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 12 Counterclaim-Defendant APPLE INC.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

17 APPLE INC., a California corporation,  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company,  
 23 Defendants.  
 24

Case No. 11-cv-01846-LHK (PSG)

**REPLY IN SUPPORT OF  
 APPLE'S ADMINISTRATIVE  
 MOTION FOR CLARIFICATION  
 OF APRIL 12 ORDER**

[Local Rule 7-11]

Hon. Paul S. Grewal

1 Apple respectfully requests the Court's consideration of the following five reply points in  
2 support of its Administrative Motion for Clarification:

3 1. An Administrative Motion under Local Rule 7-11 is an appropriate, commonly-used  
4 method for requesting clarification of a court order. *See, e.g., Millennium TGS, Inc. v. DOES 1-*  
5 *21*, Case No. C 11-01739 PSG, 2011 U.S. Dist. LEXIS 94397 (N.D. Cal. Aug. 22, 2011);  
6 *Electrograph Systems, Inc. v. NEC Corp.*, No. M 07-1827-SI, 2012 U.S. Dist. LEXIS 14303  
7 (N.D. Cal. Feb. 6, 2012). Apple does not seek reconsideration.

8 2. There is a simple explanation for the additional *Motorola*-related documents now at  
9 issue. (*See Opp.* at 4.) Apple's production of *Motorola* documents as discussed in the December  
10 22, 2011, Order and underlying papers was limited to documents regarding "three of the patents-  
11 at-issue." (Dkt. No. 536 at 2.) Apple produced the requested documents regarding those three  
12 patents in December. Under the April 12 Order, Apple is now required to produce "all court  
13 documents" from the *Motorola* matters, regardless of subject matter. This is a significantly  
14 broader scope of production, in part because the *Motorola* matters involve patents other than the  
15 three at issue in the December 22 Order.

16 3. Apple did not previously "waive" the issue of third-party CBI by not raising it earlier.  
17 This issue had not arisen previously because Samsung's motion to compel did not seek  
18 production of unredacted documents without consent of the producing parties. Samsung sought  
19 materials without third-party CBI, materials with third-party CBI with consent to produce, and  
20 *redacted* information where no consent had been granted. (Samsung March 6, 2012 Mot. at 12.)  
21 Samsung's opposition ignores Apple's footnote to this effect.

22 4. As soon as the April 12 Order was issued, outside counsel for Apple at six different  
23 law firms worked diligently to (1) collect and produce all non-confidential or Apple-CBI-only  
24 court documents in all eight cases; (2) analyze the operative Protective Orders in all eight cases to  
25 determine in which cases the CBI documents could be produced under the April 12 Order without  
26 further consent; (3) identify parties and nonparties whose consent was needed; (4) send notices to  
27 such parties and nonparties; and (5) petition the International Trade Commission for authorization  
28 to produce documents containing CBI without the consent of the parties who produced those

1 documents.

2 5. Most importantly, Samsung’s opposition does not dispute the key fact of our motion—  
3 that the ITC Protective Orders contain no exception for court-ordered production of protected  
4 material. That undisputed fact is the reason Apple respectfully requests that this Court clarify the  
5 intended scope of its April 12th Order. (See, e.g., April 24, 2012 Hrg. Tr. at 19:16-22 (“if there  
6 was a problem [complying with the order], you should seek guidance from the Court.”).)

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8 Dated: May 1, 2012

MORRISON & FOERSTER LLP

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By:           /s/ Alison M. Tucher            
Alison M. Tucher

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Attorneys for Plaintiff  
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