

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 JENNIFER LEE TAYLOR (CA SBN 161368)  
 jtaylor@mofo.com  
 4 ALISON M. TUCHER (CA SBN 171363)  
 atucher@mofo.com  
 5 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 6 JASON R. BARTLETT (CA SBN 214530)  
 jasonbartlett@mofo.com  
 7 MORRISON & FOERSTER LLP  
 425 Market Street  
 San Francisco, California 94105-2482  
 8 Telephone: (415) 268-7000  
 Facsimile: (415) 268-7522  
 9

WILLIAM F. LEE  
 william.lee@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 60 State Street  
 Boston, MA 02109  
 Telephone: (617) 526-6000  
 Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
 mark.selwyn@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 950 Page Mill Road  
 Palo Alto, California 94304  
 Telephone: (650) 858-6000  
 Facsimile: (650) 858-6100

10  
 11 Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

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

15 APPLE INC., a California corporation,  
 16  
 17 Plaintiff,  
 18 v.  
 19 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean corporation; SAMSUNG  
 20 ELECTRONICS AMERICA, INC., a New  
 York corporation; and SAMSUNG  
 21 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,  
 22 Defendants.

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

**ADMINISTRATIVE MOTION TO  
 FILE UNDER SEAL DOCUMENTS  
 RE APPLE’S OPPOSITION TO  
 SAMSUNG’S MOTION TO  
 EXCLUDE OPINIONS OF CERTAIN  
 OF APPLE EXPERTS**

1 In accordance with Civil Local Rules 7-11 and 79-5, and General Order No. 62, Apple Inc.  
2 (“Apple”) submits this motion for an order to seal the following documents or portions thereof:

- 3 1. The confidential, unredacted version of Apple’s Opposition to Samsung’s Motion to  
4 Exclude Opinions of Certain of Apple’s Experts (“Opposition”);
- 5 2. The Declaration of Terry L. Musika, CPA in Support of Apple’s Opposition to Samsung’s  
6 Motion to Exclude Opinions of Certain of Apple’s Experts (“Musika Declaration”);
- 7 3. Exhibits A through R and V through AA to the Musika Declaration, which have been  
8 designated as confidential as set forth below;
- 9 4. The Declaration of John Hauser (“Hauser Declaration”);
- 10 5. Exhibit A to the Hauser Declaration, which has been designated as confidential as set  
11 forth below;
- 12 6. Exhibits A through C, E, H, and I, and M through Q to the Declaration of Mia Mazza in  
13 Support of Apple’s Opposition to Samsung’s Motion to Exclude Opinions of Certain of  
14 Apple’s Experts (“Mazza Declaration”), which have been designated as confidential as set  
15 forth below.

16 Exhibits A, B, K, L, M, W, Y, Z, and AA to the Musika Declaration, Exhibit A to the  
17 Hauser Declaration, and Exhibits M through Q to the Mazza Declaration contain information that  
18 is highly confidential as set out in the Declaration of Cyndi Wheeler in Support of Apple’s  
19 Administrative Motion to File Documents Under Seal (“Wheeler Declaration”), filed herewith  
20 under seal. It is Apple’s policy not to disclose or describe to third parties its confidential financial,  
21 trade secrets, or product development information. (Wheeler Declaration ¶ 5.) The Apple-  
22 confidential material in these exhibits relates to such confidential information, as detailed in the  
23 Wheeler Declaration. (*Id.* ¶¶ 2-5.) This information is highly confidential to Apple. (*Id.*) The  
24 information described above could be used by Apple’s competitors to Apple’s disadvantage if  
25 disclosed publicly. (*Id.*) The relief requested in this motion is necessary and is narrowly tailored  
26 to protect confidential information, focusing only on specific portions of the documents at issue.  
27 (*Id.* ¶ 8.)  
28

1 Exhibits C, D, E, F, G, H, I, J, N, O, P, Q, R, V, and X to the Musika Declaration, and  
2 Exhibits E, H, and I to the Mazza Declaration, contain materials that Samsung has designated as  
3 confidential under the protective order entered in this case. Apple expects that, pursuant to Civil  
4 Local Rule 79-5(d), Samsung will file a declaration seeking to establish good cause to permit the  
5 sealing of these materials. Apple also separately submits the Declaration of Mark D. Selwyn in  
6 Support of Apple's Motion to File Documents under Seal regarding third party confidential  
7 material contained in Exhibit I to the Mazza Declaration.

8 In addition, the Musika Declaration and Exhibits A, B, L, M, Y, Z, and AA thereto; the  
9 Hauser Declaration and Exhibit A thereto, and Exhibits A, B, and Q to the Mazza Declaration  
10 contain highly confidential damages- and survey-related expert materials, which the parties have  
11 stipulated should be submitted to the Court under seal and not placed on the public record.  
12 (Wheeler Decl. ¶ 6.)

13 Finally, to the extent Apple's Motion and the Musika and Hauser Declarations refer to or  
14 discuss the above-referenced materials, they could be used to Apple's disadvantage by  
15 competitors if they were not filed under seal, for the same reasons. (*Id.* ¶ 6.)

16 Pursuant to Civil Local Rule 79-(c), Apple will lodge with the Clerk the documents at  
17 issue with the sealable portions highlighted.

18  
19 Dated: May 31, 2012

MORRISON & FOERSTER LLP

20  
21 By: /s/ Michael A. Jacobs  
MICHAEL A. JACOBS

22  
23 Attorneys for Plaintiff  
APPLE INC.