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 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 DOCUMENTS UNDER SEAL
 RE APPLE'S OPPOSITION TO
 SAMSUNG'S MOTION TO STRIKE
 EXPERT TESTIMONY**

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 Strike Expert Testimony (“Opposition”);
- 5 2. The confidential, unredacted version of the Declaration of Michel Maharbiz, Ph.D. in
6 Support of Apple’s Opposition to Samsung’s Motion to Strike Expert Testimony
7 (“Maharbiz Declaration”);
- 8 3. Exhibits C and D to the Maharbiz Declaration, which have been designated as confidential
9 as set forth below;
- 10 4. The Declaration of Terry L. Musika in Support of Apple’s Opposition to Samsung’s
11 Motion to Strike Expert Testimony (“Musika Declaration”);
- 12 5. Exhibits A, B, and C to the Musika Declaration, which have been designated as
13 confidential as set forth below;
- 14 6. The confidential, unredacted version of the Declaration of Marc J. Pernick in Support of
15 Apple’s Opposition to Samsung’s Motion to Strike Expert Testimony (“Pernick
16 Declaration”); and
- 17 7. Exhibits 1-7, 9, 10, 13-15, 18, and 20-32 to the Pernick Declaration, which have been
18 designated as confidential as set forth below.

19 Exhibits A, B, and C to the Musika Declaration, and Exhibits 5-7, 9, 18, 20-32 to the
20 Pernick Declaration contain information that is highly confidential as set out in the Declaration of
21 Cyndi Wheeler in Support of Apple’s Administrative Motion to File Documents Under Seal
22 (“Wheeler Declaration”), filed herewith under seal. It is Apple’s policy not to disclose or
23 describe to third parties its confidential information like the information contained in the
24 documents described above. (Wheeler Declaration ¶ 7.) The Apple-confidential material in these
25 documents relates to such highly confidential business information, as detailed in the Wheeler
26 Declaration. (*Id.* ¶¶ 2-6.) This information is highly confidential to Apple. (*Id.*) The
27 information described above could be used by Apple’s competitors to Apple’s disadvantage if
28 disclosed publicly. (*Id.*) The relief requested in this motion is necessary and is narrowly tailored

1 to protect confidential information, focusing only on specific portions of the documents at issue.
2 (*Id.* ¶ 9.)

3 The Maharbiz Declaration and Exhibit D thereto, the Musika Declaration, and Exhibit 10
4 to the Pernick Declaration contain materials that third-parties Atmel and Sony have designated as
5 confidential. As described in the Declaration of Mia Mazza in Support of Apple's Administrative
6 Motion to File Documents Under Seal, filed herewith, this motion requests relief that is necessary
7 and narrowly tailored to protect that confidential information.

8 Exhibits C and D to the Maharbiz Declaration, and Exhibits 1-4, 10, and 13-15 to the
9 Pernick Declaration contain materials that Samsung has designated as confidential under the
10 protective order entered in this case. Apple expects that, pursuant to Civil Local Rule 79-5(d),
11 Samsung will file a declaration seeking to establish good cause to permit the sealing of these
12 materials.

13 In addition, the Musika Declaration and Exhibits A-C thereto, and Exhibits 31-32 to the
14 Pernick Declaration, contain highly confidential damages-related expert materials, which the
15 parties have stipulated should be submitted to the Court under seal and not placed on the public
16 record. (Wheeler Decl. ¶4.)

17 Finally, to the extent Apple's Opposition and the Pernick, Musika, and Maharbiz
18 Declarations refer to or discuss the above-referenced materials, they could be used to Apple's
19 disadvantage by competitors if they were not filed under seal, for the same reasons. (*Id.* ¶ 8.)

20 Pursuant to the Court's standing order regarding motions to file under seal, effective
21 December 1, 2011, attached is the proposed public redacted versions of the items that Apple is
22 seeking to file under seal. Pursuant to Civil L.R. 79-(c), Apple will lodge with the Clerk the
23 document at issue with the sealable portions highlighted.

24 Dated: May 31, 2012

MORRISON & FOERSTER LLP

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26 By: /s/ Michael A. Jacobs
Michael A. Jacobs

27 Attorneys for Plaintiff
28 APPLE INC.