

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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|--|---|---------------------------|
| APPLE, INC., a California corporation, |) | Case No.: 12-CV-00630-LHK |
| |) | |
| Plaintiff and Counterdefendant, |) | ORDER RE: MISCELLANEOUS |
| |) | SEALING MOTIONS |
| v. |) | |
| |) | |
| SAMSUNG ELECTRONICS CO., LTD., a |) | |
| Korean corporation; SAMSUNG |) | |
| ELECTRONICS AMERICA, INC., a New York |) | |
| corporation; and SAMSUNG |) | |
| TELECOMMUNICATIONS AMERICA, LLC, |) | |
| a Delaware limited liability company, |) | |
| |) | |
| Defendants and Counterclaimants. |) | |
| |) | |

This Order addresses various sealing motions relating to miscellaneous discovery and other matters that the Court has already substantively resolved. Because these sealing requests relate to nondispositive motions, the Court evaluates the parties’ sealing requests under the “good cause” exception to the presumption of access. *See In re Midland Nat’l Life Ins. Co. Annuity Sales Practices Litigation*, 686 F.3d 1115, 1119 (9th Cir. 2012). “Under the exception, the usual presumption of the public’s right of access [to judicial records] is rebutted. Thus, a particularized showing of ‘good cause’ under Federal Rule of Civil Procedure 26(c) is sufficient to preserve the secrecy of sealed discovery documents attached to non-dispositive motions.” *Id.* (internal

1 quotation marks and citation omitted). In addition, the Court recognizes that the public's interest in
2 disclosure is diminished where documents subject to a motion to seal are not used by a court or a
3 jury. *See Apple, Inc. v. Samsung Elecs., Co.*, 727 F.3d 1214, 1226 (Fed. Cir. 2013) ("*Apple I*").

4 With these principles in mind, the Court issues the following rulings:

- 5 • Docket Numbers 418 & 460: Apple's motions to file under seal documents related to its
6 motion to compel discovery of document production information and diff printouts
7 from Google, Inc. are GRANTED. The information sought to be sealed is proprietary
8 functionality and internal business processes of non-party Google, Inc. Magistrate
9 Judge Grewal granted Apple's motion to compel without relying on the information
10 sought to be sealed. *See* Dkt. 501.
- 11 • Docket Number 432: Apple's administrative motion to file under seal exhibits related
12 to Samsung's motion to compel production of documents relating to pricing of Apple
13 products is GRANTED. The information sought to be sealed is Samsung's financial
14 information, including product-specific revenue, sales, and profit data that is not
15 publicly available. Magistrate Judge Grewal granted Samsung's motion to compel
16 without relying on the information sought to be sealed. *See* Dkt. 450.
- 17 • Docket Number 439: Non-party International Business Machines Corp.'s ("*IBM*")
18 motion to file under seal information relating to licensing terms and consideration
19 exchanged between Apple and IBM for patent licenses is GRANTED. IBM's proposed
20 redactions are consistent with the redactions that this Court approved in a related case
21 involving the same parties. *See Apple Inc. v. Samsung Elecs., Co.*, Case No. 11-CV-
22 1846, Dkt. Nos. 1660 & 2168.
- 23 • Docket Numbers 440 & 442: The parties' renewed motions to file documents under seal
24 related to Apple's motion for a preliminary injunction are GRANTED. The Court
25 previously denied several motions filed by both Apple and Samsung related to the same
26 documents, but allowed the parties to narrow their sealing requests and file renewed
27 motions to seal. *See* Dkt. 397. The parties have narrowly tailored their renewed requests
28 such that they seek to seal only sensitive market, business, and competitive strategy
information of the type this Court has previously sealed or the Federal Circuit found
sealable in *Apple I*.
- Docket Numbers 535, 579, & 601: The parties' motions to file documents under seal
related to Samsung's motion to amend the case management order and for leave to
amend its answer to Apple's counterclaims in reply are GRANTED. The information
sought to be sealed relates to unconsummated, confidential license negotiations
between Apple and Samsung. The Court denied Samsung's motion to amend without
relying on the information sought to be sealed. *See* Dkt. Nos. 713; 750 (Hr'g Tr. at
57:19-62:10). The Court, however, will still require the parties to make the requisite
showing to the extent they seek to seal the same evidence as part of Apple's pursuit of
its counterclaims in reply at trial.

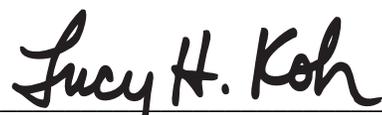
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- Docket Number 680: Samsung’s motion to file its motion for relief from Magistrate Judge Grewal’s nondispositive pretrial order is DENIED. Samsung redacted portions of its motion over which Samsung believed Apple maintained a claim of confidentiality. But Apple subsequently filed a notice disclaiming any such claim. *See* Dkt. 693. No grounds to seal Samsung’s motion remain.

To the extent not already done, the parties shall file conforming copies of the documents addressed in this Order within 7 days, with a reference in the docket text to the original docket number to which the copies relate.

IT IS SO ORDERED.

Dated: February 26, 2014



LUCY H. KOH
United States District Judge