

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

APPLE, INC., a California corporation,)	Case No.: 12-CV-00630-LHK
)	
Plaintiff,)	ORDER DENYING ADMINISTRATIVE
)	MOTIONS TO FILE DOCUMENTS
v.)	UNDER SEAL
)	
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.)	
)	

Before the Court are Apple and Samsung’s Renewed Administrative Motions to File Under Seal Documents Relating to Apple’s Motion for a Preliminary Injunction, ECF Nos. 241 and 242, submitted pursuant to the Court’s July 18, 2012 Order, ECF No. 238.

Since filing these motions, a trial occurred in the related case involving the same parties, Apple v. Samsung, Case No. 11-CV-01846-LHK (“the 1846 case”), and the Court has issued eight Orders on the parties’ post-trial motions. Apple has already appealed one of these Orders. The parties have acknowledged that much of the evidence in the 1846 case and this action is overlapping. See ECF No. 80 at 2-3 (Stipulation and Proposed Order re Discovery). Through the trial and post-trial proceedings, some of the information that the parties seek to seal in these renewed motions has become publicly available. Consequently, some of the information that the

1 parties seek to seal in these renewed motions is no longer entitled to protection from public view
2 under either the “good cause” or “compelling reasons” standard. In addition, through the appeal
3 and subsequent litigation of this Court’s ruling on Apple’s Motion for a Preliminary Injunction in
4 the instant case, further information subject to these renewed motions may have become publicly
5 available.

6 Moreover, on August 9, 2012, this Court issued an Order in the related 1846 case granting
7 in part and denying in part numerous administrative motions to seal documents. See Case No. 11-
8 CV-01846-LHK, ECF No. 1649. The Court’s August 9, 2012 Order addressed many of the same
9 types of documents that the parties seek seal in these renewed sealing motions: third-party
10 research data; the parties’ financial information; licensing information; and business, market, and
11 competitive strategy information. The parties have appealed this Court’s August 9, 2012 Order and
12 other sealing Orders from this Court to the Federal Circuit Court of Appeals.

13 In light of the documents that are no longer entitled to protection from public view and the
14 Court’s further clarification of its sealing standards, the Court DENIES without prejudice Apple
15 and Samsung’s Renewed Administrative Motions to File Under Seal Documents Relating to
16 Apple’s Motion for a Preliminary Injunction.

17 The parties may file renewed motions to seal within twenty-one days of the date of this
18 Order. The parties shall not seek to seal any information that has already become part of the public
19 record. In their renewed motions to seal, the parties shall identify what information is sealable
20 pursuant to the Court’s August 9, 2012 Order and what information is not sealable pursuant to that
21 Order. For the information that is not sealable pursuant to the Court’s August 9, 2012 Order, the
22 parties shall request a stay of a sealing denial pending the Federal Circuit’s ruling on the appeal of
23 this Court’s August 9, 2012 Order.

24 **IT IS SO ORDERED.**

25
26 Dated: March 18, 2013

27 
28 LUCY H. KOH
United States District Judge