Case No.: 12-CV-00630-LHK

ORDER GRANTING MOTION TO FILE UNDER SEAL

UNITED STATES NORTHERN DISTRI	ICT	OF CALIFORNIA
SAN JOSE APPLE, INC., a California corporation,	i DI	VISION Case No.: 12-CV-00630-LHK
Plaintiff, V.))))	ORDER GRANTING ADMINISTRATIVE MOTION TO FILE DOCUMENTS 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,)))))	(re: dkt. #6)
Defendants.) _)	
On February 8, 2012, Plaintiff Apple, Inc. ("Apple") filed an administrative motion to file		
under seal portions of: (1) the Declaration of Arthur Rangel in support of Apple's motion for a		
preliminary injunction, including attached confidential exhibits ("Rangel Declaration"); (2) the		
Declaration of Christopher Vellturo, Ph.D., in support of Apple's motion for a preliminary		
injunction, including attached confidential exhibits ("Vellturo Declaration"); and (3) Apple's		
Motion and Memorandum in Support of Apple's Motion for a Preliminary Injunction ("Opening		
Brief"). ECF No. 6.		
Where, as here, a party seeks to seal documents attached to a non-dispositive motion, the		
Ninth Circuit requires a showing of good cause to justify the sealing of those documents.		

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Kamakana v. City and Cnty. of Honolulu, 447 F.3d 1172, 1180 (9th Cir. 2006). In addition, the Civil Local Rules of this Court require that all requests to file under seal be "narrowly tailored to seek sealing only of sealable material." Civ. L. R. 79-5(a). Apple claims that good cause exists to seal the material requested because the Rangel Declaration and the Vellturo Declaration contain or provide as exhibits confidential, proprietary market research and analysis, including information pertaining to confidential Apple customer surveys and the competitive landscape for mobile devices. This information reflects Apple's confidential business and marketing strategy, was created at a significant cost to Apple, and could be used by Apple's competitors to its disadvantage, particularly because it discusses Apple's customers. Decl. of Cyndi Wheeler ¶ 3, ECF No. 8.

The Court agrees that the portions of the Rangel and Vellturo Declarations Apple seeks to file under seal consist of such confidential information, and sealing of these documents is therefore appropriate. In addition, Apple has narrowly tailored the proposed redactions of its Opening Brief to seal only those portions that incorporate the sealable information contained in the Rangel and Vellturo Declarations. Accordingly, the Court finds that good cause exists to seal these documents and therefore GRANTS Apple's motion to file under seal.

2

IT IS SO ORDERED.

Dated: March 6, 2012

United States District Judge

Case No.: 12-CV-00630-LHK