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Filed

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10 UNITED STATES DISTRICT COURT
11 RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE
12 NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

13 APPLE INC., a California corporation,

14 Plaintiff,

15 v.

16 SAMSUNG ELECTRONICS CO., LTD., a
17 Korean corporation; SAMSUNG
18 ELECTRONICS AMERICA, INC., a New
19 York corporation; and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

20 Defendants.

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CV 12-00630

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**APPLE INC.'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS UNDER
SEAL**

HHL

APPLE INC.'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL

1 In accordance with Civil L.R. 79-5 and 7-11, and General Order No. 62, Apple Inc. ("Apple")
2 moves this Court for an order to seal (1) portions of the Declaration of Arthur Rangel in support of
3 Apple's motion for a preliminary injunction including attached confidential exhibits (the "Rangel
4 Declaration"), (2) the Declaration of Christopher Velturo, Ph.D. in support of Apple's Motion for a
5 preliminary injunction including attached confidential exhibits (the "Velturo Declaration") and (3)
6 Apple's Motion and Memorandum in Support of Apple's Motion for a Preliminary Injunction (the
7 "Apple Brief") that references confidential information contained in the Rangel Declaration or the
8 Velturo Declaration.

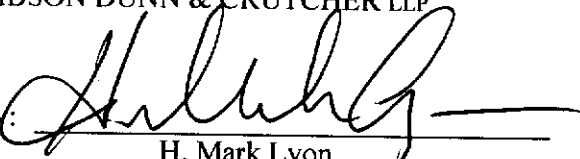
9 Apple has established good cause to permit filing this information under seal through the
10 Declaration of Cyndi Wheeler in Support of Apple's Administrative Motion to File Documents
11 Under Seal (the "Wheeler Sealing Decl."), filed herewith. The Rangel Declaration and the Velturo
12 Declaration contain or provide as exhibits confidential, proprietary market research and analysis,
13 including information pertaining to confidential Apple customer surveys and the competitive
14 landscape for mobile devices. (Wheeler Sealing Decl. at ¶¶ 2-3.) It is Apple's practice and policy to
15 maintain the confidentiality of this information; Apple does not disclose or comment on even
16 speculation about its business practices. (*Id.* at ¶ 3.) This business information was created at a
17 significant cost to Apple and could be used by Apple's competitors to its disadvantage, particularly
18 because it discusses Apple's customers. (*Id.*) In order to narrowly tailor the requested sealing to only
19 sealable material, Apple has limited its request to the unredacted versions of the Rangel Declaration,
20 and the Velturo Declaration and the unredacted version of the Apple Brief, which references
21 confidential Apple information contained in the Rangel and Velturo Declarations or the attached
22 exhibits. (*Id.* at ¶ 2-4.)

23 A stipulation could not be obtained from the defendants to Apple's filing under seal the
24 portions of the Rangel and Velturo Declarations and the Apple Brief because this motion and
25 Apple's motion for a preliminary injunction were filed contemporaneously with the complaint in this
26 action and at the time of filing counsel for defendants had not made an appearance. (Decl. of Jennifer
27 J. Rho in Support of Apple's Administrative Motion to File Documents Under Seal, filed herewith at
28 ¶ 2.)

1 Accordingly, Apple requests that the Court order that portions of the Rangel Declaration
2 including attached confidential exhibits, portions of the Velturo Declaration including attached
3 confidential exhibits, and portions of the Apple Brief referencing the confidential material contained
4 in the Rangel Declaration and the Velturo Declaration be filed under seal.
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1 Dated: February 8, 2012

GIBSON DUNN & CRUTCHER LLP

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3 By: 
4 H. Mark Lyon

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