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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TACTION TECHNOLOGY, INC.,  
Plaintiff,  
v.  
APPLE INC.,  
Defendant.

Case No.: 21-CV-812 TWR (JLB)  
**ORDER GRANTING DEFENDANT  
APPLE INC.’S UNOPPOSED  
MOTIONS TO FILE DOCUMENTS  
UNDER SEAL**  
(ECF Nos. 308, 309)

Presently before the Court is Defendant Apple Inc.’s Unopposed Motion to File Under Seal Portions of Apple’s Opposition to Plaintiff’s *Daubert* Motion to Exclude Opinions of Defendant’s Experts (“Mot. to Seal,” ECF No. 308), in which Apple contends that “[c]ompelling reasons exist to file portions of [its] Opposition and accompanying Exhibits 1, 2, 3, 4, 5, 6, 7, 10, 11, and 12 under seal.”<sup>1</sup> (*See id.* at 1.) Specifically, “Exhibits 1, 10, and 12 contain portions of Apple’s and Taction’s expert reports,” (*see* ECF No. 308-1 (“Tio Decl.”) ¶ 3), *i.e.*, the Opening Expert Report of Michael Zinn, Ph.D., (*see* ECF No. 309-1 (“Ex. 1”)); the Expert Rebuttal Report of Julie H. Know, CPA, CFA, CFF, (*see* ECF No. 309-8 (“Ex. 10”)); and the Rebuttal Expert Report of Michael Zinn, Ph.D. (*See* ECF


<sup>1</sup> Specifically, Apple seeks to file under seal Exhibits 2 through 7 in their entirety and only portions of Apple’s Opposition and Exhibits 1 and 10 through 12. (*Compare* ECF Nos. 310-1–14 (proposed public redacted documents), *with* ECF Nos. 309 (lodged sealed documents).)

1 No. 309-10 (“Ex. 12”).) “Exhibit 11 contains excerpts of the deposition testimony of  
2 Apple’s damages expert, Julie Knox,” (Tio Decl. ¶ 4); “Exhibits 2, 3, 4, 5, and 7 are internal  
3 technical documents created by Apple,” (Tio Decl. ¶ 5); and “Exhibit 6 is a confidential  
4 technical document produced by third party supplied AAC.” (Tio Decl. ¶ 6.) Portions of  
5 Apple’s opposition discuss these documents. (*See id.* ¶¶ 2–6.) Apple maintains that  
6 disclosure of these documents would “harm [its] ability to maintain [its and its supplier’s]  
7 business and competitive position [in the market].” and/or allow “competitors to obtain and  
8 improper business advantage.” (*See id.* (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S.  
9 589, 598 (1978); *Orthopaedic Hosp. v. Encore Med., L.P.*, No. 19-CV-970 JLS (AHG),  
10 2021 WL 1966121, at \*2 (S.D. Cal. Apr. 12, 2021)); *Mezzadri v. Med. Depot, Inc.*, No. 14-  
11 cv-2330, 2015 WL 12564223, at \*2 (S.D. Cal. Dec. 18, 2015)).)

12 Upon a close review of the proposed redactions, the Court concludes that Apple has  
13 demonstrated compelling reasons to file under seal Exhibits 2 through 7 in their entirety  
14 and those limited portions of Apple’s opposition and Exhibits 1 and 10 through 12 that  
15 have been lodged under seal. *See, e.g., Orthopaedic Hosp.*, 2021 WL 1966121, at \*2. The  
16 Court therefore **GRANTS** Apple’s Motion to Seal (ECF No. 308), and the Clerk of Court  
17 **SHALL FILE UNDER SEAL** the documents previously lodged under seal at ECF No.  
18 309.

19 **IT IS SO ORDERED.**

20 Dated: June 13, 2023

21   
22 Honorable Todd W. Robinson  
23 United States District Judge  
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