

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.10-23580-Civ-UU

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

ORDER ON MOTIONS TO FILE UNDER SEAL

THIS CAUSE is before the Court upon the Defendant and Counterclaim-Plaintiff Apple Inc.'s ("Apple") Motion to File Under Seal (D.E. 97) and Plaintiff and Counterclaim-Defendant Motorola Mobility, Inc.'s ("Motorola") Motion to File Under Seal (D.E. 99).

THE COURT has considered the pertinent portions of the record and is otherwise fully advised in the premises. In the instant motions, Apple and Motorola seek to file under seal on the grounds that the briefs and supporting exhibits in question contain confidential business information.

As the Eleventh Circuit Court of Appeals has held: "The operation of the courts and the judicial conduct of judges are matters of utmost public concern and the common-law right of access to judicial proceedings, an essential component of our system of justice, is instrumental in securing the integrity of the process." *Romero v. Drummond Co.*, 480 F.3d 1234, 1245 (11th Cir.2007) (internal citations omitted). Moreover, the Eleventh Circuit has explained that "[o]nce a matter is brought before a court for resolution, it is no longer solely the parties' case, but is also

the public's case ." *Brown v. Advantage Eng'g Inc.*, 960 F.2d 1013, 1016 (11th Cir. 1992). The public's right of access is not absolute, but may only be overcome by a showing of good cause.

Id.

Here, Apple asserts that its claim construction brief contains two paragraphs that disclose "highly confidential, proprietary information regarding Apple's business practices." (D.E. 97). Similarly, Motorola states that its responsive brief on claim construction "discloses confidential, proprietary information regarding Apple's business practices." Motorola's instant motion explains that the allegedly confidential information indeed concerns Apple, not Motorola, and has been designated confidential by Apple. (D.E. 99).

The parties' conclusory claims as to the nature of the information that each seeks to keep from the public record is insufficient. This Court strongly respects the presumption in favor of open courts and will not shield claims construction briefs from disclosure without particularly good cause. Accordingly, it is

ORDERED AND ADJUDGED that the Motions (D.E. 97, 99) are DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 27th day of September, 2011.



UNITED STATES DISTRICT JUDGE

copies provided: counsel of record