

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

APPLE INC.,

Plaintiff,

v.

MOTOROLA MOBILITY, INC.

Defendants.

Case No. 11-CV-178

**PLAINTIFF'S MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiff Apple Inc. ("Apple"), by its undersigned attorneys, seeks the Court's leave to file under seal the following documents:

1. Notice of Removal (including Apple's Counterclaims filed in International Trade Commission Investigation No. 337-TA-745);
2. Plaintiff's Motion for a Preliminary Injunction;
3. Plaintiff's Memorandum of Law In Support of Its Motion For A Preliminary Injunction;
4. Plaintiff's Proposed Findings of Fact In Support of Its Motion For Preliminary Injunction;
5. Affidavit of Richard Lutton In Support of Plaintiff's Motion for Preliminary Injunction (and exhibits attached); and
6. Declaration of Steven Cherensky Pursuant to 28 U.S.C. § 1746 In Support of Plaintiffs' Motion for Preliminary Injunction (and exhibits attached).

The sealing of these documents is warranted for several reasons. First, Apple's Counterclaims and its Motion requires a detailed discussion of facts relating to Apple's business investments, proprietary information, practices and strategies, which would

properly be protected under Rule 26(c)(1) (G) of the Federal Rules of Civil Procedure. Second, the Motion is also based on communications, interactions, and correspondence between Apple and Defendant Motorola Mobility, Inc. (“Motorola”), as well as similar communications with third parties. These communications also pertain to confidential business information that would be properly protected under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure. Finally, Apple and Motorola are currently involved in parallel litigations, in which the parties have signed protective orders, which limit access to both parties’ documents to counsel involved in the relevant disputes. Therefore, both parties have indicated their intent to keep the underlying facts, and any supporting evidence or documents, in this case confidential. We note that Apple’s Counterclaims in the ITC Investigation are subject to a protective order were filed under seal in that proceeding.

Accordingly, the documents listed above fall within the scope of Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure, and are appropriately be filed under seal.

Dated: March 11, 2011

Respectfully submitted,

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