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Attorneys for Plaintiff and
Counterclaim-Defendant Apple Inc.

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 APPLE INC., a California corporation,
15 Plaintiff,
16 vs.

17 SAMSUNG ELECTRONICS CO., LTD., a
18 Korean business entity, SAMSUNG
19 ELECTRONICS AMERICA, INC., a New
20 York corporation, and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
Defendants.

21 SAMSUNG ELECTRONICS CO., LTD., a
22 Korean business entity, SAMSUNG
23 ELECTRONICS AMERICA, INC., a New
24 York corporation, and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
Counterclaim-Plaintiffs,

25 v.
26 APPLE INC., a California corporation,
27 Counterclaim-Defendant.
28

Civil Action No. 11-CV-01846-LHK

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

1 In accordance with Civil L.R. 7-11 and 79-5, General Order No. 62, and this Court's
2 Order Granting-in-Part and Denying-in-Part Motions to Seal (Dkt. No. 1966), Apple Inc.
3 ("Apple") moves for an order to seal the following documents:

4 1. PX63 (Dkt. No. 1907). Apple moves to seal all of PX63 because it contains
5 Apple-confidential source code. Apple previously moved to seal this material in
6 connection with its motion to seal trial exhibits (Dkt. No. 1495 at 9-10), which the Court
7 granted. (Dkt. No. 1649 at 8.) Apple supported the confidentiality of its source code at
8 that time with two declarations—one from Henri Lamiroux, Apple's Vice President of
9 iOS Apps & Frameworks, and one from Beth Kellermann, a Litigation eDiscovery
10 Manager. (Dkt. Nos. 1504, 1505.) Apple's source code is clearly the type of information
11 that qualifies as a trade secret. *See Agency Solutions.Com, LLC v. TriZetto Group, Inc.*,
12 819 F. Supp. 2d 1001, 1017 (E.D. Cal. 2011). Apple's declarants confirmed that Apple
13 derives independent economic value from its source code, and that Apple goes to
14 extraordinary lengths to maintain the secrecy and security of its source code. (Dkt. Nos.
15 1504 ¶¶ 5-8, 1505 ¶¶ 4-9.) If Apple's source code were subject to disclosure and
16 copying, it would amount to a transfer of Apple's investment in developing the iOS
17 source code from it to a competitor, providing an unfair competitive advantage. (Dkt.
18 No. 1505 ¶¶ 6-9.) Apple respectfully requests the Court confirm that, consistent with its
19 prior order, Apple may file PX63 under seal in connection with its notice of excluded
20 exhibits. Declaration of Cyndi Wheeler ("Wheeler Declaration") ¶ 14.

21 2. Exhibit 14 to Declaration of Diane Hutnyan in Support of Samsung's Proffer
22 (Dkt. Nos. 1911, 1912). Apple moves to seal only the portion of this exhibit that
23 discusses an Apple internal memo setting forth royalty rates that Apple currently pays for
24 licenses to patents declared essential to the UMTS standard and royalty rates that have
25 been requested by third parties for licenses to patents declared essential to the UMTS
26 standard. As the Court has recognized (*see* Dkt. 1649 at 10-11), the disclosure of this
27 sensitive financial information would harm both Apple and third parties' opportunities to
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negotiate and consummate license agreements in the future and, accordingly, it is appropriate for such information to be filed under seal. Wheeler Declaration ¶ 17.

Pursuant to the Court’s standing order regarding motions to file under seal, effective December 1, 2011, attached are the proposed public redacted versions of the documents that Apple is seeking to file under seal.

Pursuant to General Order No. 62, Apple’s entire filing will be lodged with the Court for in camera review and served on all parties.

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Dated: September 21, 2012

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on September 21, 2012 to all counsel of record who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Mark D. Selwyn
Mark D. Selwyn