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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 APPLE, INC., a California Corporation,)
 17)
 Plaintiff,)
 18)
 v.)
 19)
 SAMSUNG ELECTRONICS CO., LTD., a)
 20 Korean corporation; SAMSUNG)
 ELECTRONICS AMERICA, INC., a New York)
 21 corporation; SAMSUNG)
 TELECOMMUNICATIONS AMERICA, LLC, a)
 22 Delaware limited liability company,)
 23 Defendants.)

CASE NO.: 11-CV-01846-LHK

**EMERGENCY MOTION BY
 NONPARTY MOTOROLA
 MOBILITY LLC TO STAY
 ENFORCEMENT OF
 MAGISTRATE'S OCTOBER 23,
 2012 ORDER SETTING DEADLINE**

 [Civ. L.R. 7-11]

 Date: Expedited Request
 Courtroom: 8, 4th Floor
 Judge: Hon. Lucy H. Koh

1 Pursuant to Local Rule 7-11, nonparty Motorola Mobility LLC (“Motorola”) brings this
2 emergency motion to request that this Court stay the enforcement of Magistrate Grewal’s
3 October 23, 2012 Order Setting Deadline (Dkt. No. 2080) in light of Motorola’s pending Motion
4 For Relief From Nondispositive Order of Magistrate Judge (Dkt. No. 2081)(“Motion For
5 Relief”).

6 On October 23, 2012, Motorola filed its Motion For Relief From Nondispositive Order of
7 Magistrate Judge. That motion seeks relief from Magistrate Judge Grewal’s October 10, 2012
8 Order (Dkt. No. 2040)(“October 10, 2012 Order”) denying Motorola’s motion to seal a three-
9 page document that was submitted under seal by Apple in support of a discovery motion in
10 February of this year. The document at issue, Exhibit 23 to the Declaration of Calvin Walden
11 ISO Apple’s Motion to Compel Depositions of Samsung’s Purported “Apex” Witnesses”
12 (“Exhibit 23”), is a detailed summary prepared by Samsung of a licensing negotiation meeting
13 between Motorola and Samsung, which took place only several weeks before the September 30,
14 2000 effective date of a Cellular Cross-License Agreement between the companies (the “2000
15 Agreement”). Exhibit 23 describes extensively, and throughout the document, the negotiations
16 between Motorola and Samsung, including the pattern of financial demands and offers made by
17 each of Motorola and Samsung, as well as Motorola’s final monetary demand—all information
18 that is highly sensitive and confidential to non-party Motorola as set forth in declarations
19 accompanying the Emergency Motion by Nonparty Motorola Mobility LLC to Seal Exhibit 23
20 (Dkt. No. 2028) and Motorola’s earlier briefing on the confidentiality of the 2000 Agreement.
21 (Dkt. Nos. 1400, 1491).

22 This Court has already held that the financial terms of the 2000 Agreement should be
23 sealed even under the higher “compelling reasons” standard appropriate to documents submitted
24 in connection with dispositive motions and trial. (Dkt. No. 1649 at 21-22 and 26-27.) This Court
25 has also held that a document that contained proposed terms and conditions of another expired
26 Samsung-Motorola license, including proposed royalty rates, should be sealed. (*Id.* at 26-27.)
27 Magistrate Judge Grewal’s October 10, 2012 Order denying Motorola’s motion to seal Exhibit
28 23—and under the lower “good cause” standard appropriate to documents submitted in

1 connection with discovery motions, like Exhibit 23—is contrary to this Court’s earlier orders,
2 and would severely undermine the very protections already provided by this Court.

3 On October 23, 2012, shortly before Motorola filed its Motion For Relief, Magistrate
4 Judge Grewal issued an Order Setting Deadline (Dkt. No. 2080) giving the parties to this
5 litigation until this Friday, October 26, 2012, to file an unredacted version of Exhibit 23 in the
6 public record. Today Motorola’s counsel received an e-mail from Apple’s counsel indicating
7 that unless Motorola obtains a stay of Magistrate Judge Grewal’s Order Setting Deadline, Apple
8 intends to publicly file an unredacted version of Exhibit 23 by this Friday.¹

9 In light of Motorola’s pending Motion For Relief, Motorola respectfully requests that the
10 Court stay enforcement of Magistrate Judge Grewal’s Order Setting Deadline pending resolution
11 of Motorola’s Motion For Relief. *See Morales v. Tilton*, 2006 WL 2724152, *3 (N.D. Cal. Sept.
12 22, 2006) (staying magistrate judge’s order regarding nonparty “pending further order of the
13 Court”). Counsel for Apple and Samsung have confirmed that they do not oppose this Motion
14 For Stay.²

15 For these reasons, Motorola respectfully requests that the Court grant this motion and
16 stay the enforcement of Magistrate Judge Grewal’s October 23, 2012 Order Setting Deadline
17 pending resolution of Motorola’s October 23, 2012 Motion For Relief.

18 Dated: October 24, 2012

WINSTON & STRAWN LLP

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25 ¹ Declaration of Jennifer A. Golinveaux ISO Emergency Motion by Nonparty Motorola Mobility
26 LLC For Stay of Enforcement of Magistrate’s October 23, 2012 Order (“Golinveaux Decl.”), ¶ 2
and Exhibit 1.

27 ² Golinveaux Decl., ¶ 1.