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Attorneys for SAMSUNG ELECTRONICS
CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Defendants.

CASE NO. 11-cv-01846-LHK

**SAMSUNG'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL AND FOR AN ORDER
PROHIBITING THE PARTIES FROM
COMMUNICATING WITH JURORS**

Date: December 6, 2012
Time: 1:30 p.m.
Place: Courtroom 8, 4th Floor
Judge: Hon. Lucy H. Koh

1 Pursuant to Civil L.R. 7-11 and 79-5, and General Order No. 62, Defendants Samsung
2 Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications
3 America, LLC (collectively, “Samsung”) hereby bring this administrative motion for an order to
4 seal:

- 5 1. Highlighted portions of Samsung’s Notice of Motion and Motion for Judgment as a
6 Matter of Law, New Trial and/or Remittitur Pursuant to Federal Rules of Civil
7 Procedure 50 and 59 (“Samsung’s Rules 50 and 59 Motion”);
- 8 2. The Declaration of Susan Estrich in Support of Samsung’s Rule 50 and 59 Motion
9 (“Estrich JMOL Declaration”);
- 10 3. Exhibits A-O to the Estrich JMOL Declaration; and
- 11 4. Exhibits 13, 14, 18, 19, and 28 to the Declaration of John Pierce in Support of
12 Samsung’s Rules 50 and 59 Motion;

13 and for an order prohibiting the parties from any further communication with jurors who served
14 during the trial until the matters raised by this motion have been finally resolved.

15 The trial and the deliberations that led to the verdict have received extensive media
16 coverage. (*See* Estrich JMOL Decl. Exs. A-O.) Samsung believes that the publicity that will
17 surround this portion of the motion, and the details and legal issues presented here, have the
18 potential to subject all of the jurors to extra-judicial scrutiny and public criticism which they may
19 find unwelcome and intrusive. Moreover, the integrity of future proceedings on this matter may
20 be compromised by further inquiries from the parties, the media and others, and attendant
21 publicity. Samsung respectfully requests that in order to protect both the privacy of the jurors
22 and the integrity of the process, that portions of its Rules 50 and 59 Motion, the Estrich
23 Declaration, and Exhibits A-O thereto be sealed, and the parties ordered to have no further contact
24 with any of the jurors until the matters raised by the Rules 50 and 59 Motion have been finally
25 resolved. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006);
26 *Bryson v. United States*, 238 F.2d 657, 665 (9th Cir. 1956); *Muhammad v. Woodford*, 2008 WL
27 1734235, at *2 (E.D. Cal. April 11, 2008).

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1 Exhibits 13, 14, 18, and 28 to the Pierce Declaration contain information Apple Inc.
2 (“Apple”) has designated as confidential. Exhibit 19 to the Pierce Declaration contains
3 information third-party Intel has designated as confidential. Samsung expects that Apple and
4 Intel will file declarations pursuant to Civil L.R. 79-5(d) establishing good cause to permit filing
5 under seal.

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

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9 DATED: September 21, 2012

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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