

WILMERHALE

March 18, 2013

William F. Lee

The Honorable Jan Horbaly
Clerk of Court
United States Court of Appeals for the Federal Circuit
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Re: *Apple Inc. v. Samsung Elecs. Co.*, Nos. 2012-1600, -1606, 13-1146

Dear Mr. Horbaly:

I write to clarify which materials from the district court record Apple seeks to seal in these appeals.

The joint appendix indicates in yellow highlighting the proposed redactions that Apple submitted to the district court for the documents that are the subject of Apple's Appeal No. 12-1600. *See* A449-1375. That highlighting, however, includes certain materials that are not the subject of Apple's appeal because either the district court granted Apple's request to seal or Apple does not appeal the district court's order unsealing those materials.

In Appeal No. 12-1600, Apple seeks to seal only the highlighted materials on pages A453, A494, A498, A503, A523, A536, A549, A551, A606, A611, A653, A657, A662, A682, A695, A784, A801-802, A805, A824-827, A843, A914, A931-933, A935, A956-959, A975, A1009-1011, A1022, A1030, A1088, A1090, and A1274. For pages A801-802, A931-933, and A1009-1011, the district court already ordered sealed the highlighted column disclosing Apple's capacity information (*see* A15-17), and Apple's appeal concerns only the two highlighted columns disclosing Apple's per unit profits and profit margins. There is no material in Exhibit Z to Musika Declaration in Support of Apple's Opposition to Samsung's Motion to Exclude Opinions of Certain Apple Experts (A1025-1028) that Apple seeks to seal in this appeal.

In Appeal No. 13-1146, Apple does not seek to seal any material actually cited and discussed by the parties before the district court. Accordingly, Apple does not seek to seal pages SA73, SA322, SA357, SA368, SA397, SA402, and SA548. Apple seeks to seal only the data concerning its customers outside of the United States on pages SA79, SA168, SA242, SA291, and SA447. Redacted copies of those pages are attached as Exhibit 1. Apple seeks to seal the remainder of the material contained in the nine market research documents attached as exhibits to Samsung's post-trial briefing (SA55-553), which neither party cited or discussed before the district court.

Yours sincerely,

/s/ William F. Lee
William F. Lee

CERTIFICATE OF SERVICE

I certify that I filed the foregoing letter with the Clerk of the United States Court of Appeals for the Federal Circuit via the CM/ECF system on the 18th day of March, 2013, which will send notice of such filing to counsel of record in this case.

Dated: March 18, 2013

/s/ William F. Lee
William F. Lee