The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a Washington corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA MOBILITY LLC, and GENERAL INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

DEFENDANTS' RESPONSE TO MICROSOFT'S 7/29/13 MOTION TO SEAL

NOTED ON MOTION CALENDAR:
Friday, August 9, 2013

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I. INTRODUCTION

Defendants Motorola, Inc. (now Motorola Solutions, Inc.), Motorola Mobility, Inc. and General Instrument Corp. (collectively "Motorola") do not oppose Microsoft's 7/29/13 Motion to Seal (Dkt. No. 798) regarding the following documents:

- Portions of Exhibits 2-4 and 6-8, 10-11 to the Declaration of Christopher Wion in Support of Microsoft's Motions *in limine* ("Wion Declaration") (Dkt. No. 801);[1]
- Microsoft's Motion Microsoft's Motions *in Limine* to the extent they refer to or rely on the above exhibits (Dkt. No. 801); and
- The Parties' Pretrial Order filed contemporaneously therewith (Dkt. No. 803).

II. MOTOROLA DOES NOT OPPOSE MICROSOFT'S MOTION TO SEAL.

Exhibit 2 to the Wion Declaration is excerpts of the transcript of the deposition of Kirk Dailey, which was designated by Motorola as "HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY." The excerpted pages reference non-public commercially sensitive information regarding Motorola's business and licensing practices and strategies. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 2 should remain under seal.

Exhibit 3 to the Wion Declaration is excerpts of the deposition of K. McNeill Taylor, Jr., which was designated by Motorola as "HIGHLY CONFIDENTIAL." The excerpted pages reference non-public commercially sensitive information regarding Motorola's business and licensing practices and strategies. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 3 should remain under seal.

Exhibit 4 to the Wion Declaration is excerpts of the deposition of Brian Blasius, which was designated by Motorola as "CONFIDENTIAL BUSINESS INFORMATION." The excerpted pages reference non-public commercially sensitive information regarding Motorola's business and

[1] Exhibit 9 to the Wion Declaration was also filed under seal, but Motorola does not maintain that it needed to be.

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licensing practices and strategies. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 4 should remain under seal.

Exhibit 6 to the Wion Declaration is excerpts of the transcript of Trial Day 6, November 20, 2012, in the November 2012 trial in this matter, which was sealed by Court order. The excerpted pages reference non-public commercially sensitive information regarding Motorola's business and licensing practices and strategies. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 6 should remain under seal.

Exhibit 7 to the Wion Declaration is excerpts of the transcript of the deposition of Allen Lo, which was designated by third party Google as "HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY." The excerpted pages reference non-public commercially sensitive information regarding Google's business and licensing practices and strategies. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 7 should remain under seal.

Exhibit 8 to the Wion Declaration is excerpts of the transcript of the deposition of Gregory Leonard, which was designated by Motorola as "HIGHLY CONFIDENTIAL." The excerpted pages reference non-public commercially sensitive information regarding Motorola's business and licensing practices and strategies. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 8 should remain under seal.

Exhibit 10 to the Wion Declaration is a document produced by Motorola in this litigation and designated "CONFIDENTIAL BUSINESS INFORMATION." The document references non-public commercially sensitive information regarding Motorola's business and licensing practices and strategies. Disclosure of this information to third parties and other party employees

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not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 10 should remain under seal.

Exhibit 11 to the Wion Declaration is a document produced by Motorola in this litigation and designated "CONFIDENTIAL BUSINESS INFORMATION." The document references non-public commercially sensitive information regarding Motorola's business and licensing practices and strategies. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, Exhibit 11 should remain under seal.

To the extent that Microsoft's Motions *in Limine* refers to or describes the sealed exhibits listed above, the un-redacted version of the document should also remain under seal.

The Parties' Pretrial Order references non-public commercially sensitive information of Motorola and third parties. Disclosure of this information to third parties and other party employees not covered by the Protective Order would have the potential to lead to competitive harm. Accordingly, the un-redacted version of the document should remain under seal.

III. CONCLUSION

Motorola does not oppose Microsoft's 7/29/13 Motion to Seal (Dkt. No. 798). Nothing herein is intended as a waiver of Motorola's right to contest Microsoft's designation of material as Confidential Business Information in accordance with the terms of the Protective Order. Motorola expressly reserves the right to do so as the circumstances warrant.

DATED this 7th day of August, 2013.

Respectfully submitted,

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By */s/ Philip S. McCune*

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 7th day of August, 2013.

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