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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**EPIC GAMES, INC.,**  
Plaintiff,  
vs.  
**APPLE INC.,**  
Defendant.

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**AND RELATED COUNTERCLAIM**

Case No. 4:20-cv-05640-YGR  
**TRIAL ORDER NO. 4 RE:  
(1) ADMINISTRATIVE MOTIONS TO SEAL;  
AND (2) PARTIAL RULING ON EXPERT  
OBJECTIONS**  
Re: Dkt. Nos. 489, 509, 518, 520

**TO ALL PARTIES AND COUNSEL OF RECORD:**

The Court issues this Order with respect to several items on the docket:

**1. Administrative Motions to Seal Expert Written Direct Examination**

The Court is in receipt of various motions to seal portions of the parties’ expert written direct examinations. Having carefully considered the parties’ arguments, supporting declarations, and declarations filed by third parties, the Court finds as follows:<sup>1</sup>

Expert Written Direct Paragraph or Footnote Number	Affected Party	Ruling
<b>Epic Games’ Motion to Seal (Dkt. No. 509)<sup>2</sup></b>		
Evans Opening 43	IDC	<b>DENY.</b> IDC files no supporting declaration to justify sealing.
Evans Opening FN3	Apple, IDC	<b>DENY.</b> IDC files no supporting

<sup>1</sup> As with the prior motions to seal, if the Court chooses to unseal material for use at trial, it will give the parties a chance to respond. Where this Order seals a cited exhibit, the sealing shall apply to the underlying exhibit, not the citation.

<sup>2</sup> The Court addressed sealing of the written direct examination of Epic Games’ expert Mr. Barnes in an earlier order. (See Dkt. No. 548.)

1			declaration to justify sealing. Apple does not seek to seal.
2	Evans Opening 51	Samsung	<b>DENY.</b> Samsung files no supporting declaration. <i>See</i> Civ. L. R. 79-5(e)(2).
3	Evans Opening FN5	Samsung	<b>DENY.</b> Samsung files no supporting declaration. <i>See</i> Civ. L. R. 79-5(e)(2).
4	Evans Opening 53	App Annie	<b>DENY.</b> App Annie files no supporting declaration. <i>See</i> Civ. L. R. 79-5(e)(2). <sup>3</sup>
5	Evans Opening 74	IDC	<b>DENY.</b> IDC files no supporting declaration. <i>See</i> Civ. L. R. 79-5(e)(2).
6	Evans Opening 79	IDC	<b>DENY.</b> IDC files no supporting declaration. <i>See</i> Civ. L. R. 79-5(e)(2).
7	Evans Opening 80	App Annie	<b>DENY.</b> App Annie files no supporting declaration. <i>See</i> Civ. L. R. 79-5(e)(2).
8	Evans Opening 81	IDC	<b>DENY.</b> IDC files no supporting declaration. <i>See</i> Civ. L. R. 79-5(e)(2).
9	Evans Opening 88	Google	<b>GRANT</b> to the extent shown in Dkt. No. 535-1. This contains Google's confidential business information, including internal surveys and analysis, which competitively harm Google through disclosure. (Dkt. No. 535 ¶ 7.) Google only requests sealing specific numbers based on its survey data, which makes the request narrowly tailored.
10	Evans Opening FN27	Google	<b>DENY.</b> Google does not seek to seal.
11	Evans Opening 107	Microsoft	<b>DENY.</b> Microsoft does not seek to seal.
12	Evans Opening 141	Apple	<b>DENY.</b> This reveals no confidential information.
13	Evans Opening 149	Apple	<b>GRANT.</b> This contains Apple's confidential financial information. ( <i>See</i> Dkt. No. 540 ¶ 18.)
14	Evans Opening FN46	Apple	<b>DENY.</b> This concerns Mr. Barnes' analysis of Apple's profitability,

<sup>3</sup> App Annie had earlier filed a motion to seal certain exhibits, but did not seek to seal the expert written direct examinations then pending

1			not Apple's internal data. The Court has already unsealed this data. (See Dkt. No. 548.)
2			
3	Evans Opening Table 3	Apple	<b>GRANT.</b> This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
4			
5	Evans Opening 153	Apple	<b>GRANT.</b> This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
6			
7	Evans Opening FN47	Apple	<b>DENY.</b> This reveals no confidential information.
8	Evans Opening FN48	Apple	<b>DENY.</b> This reveals no confidential information.
9	Evans Opening FN49	Apple	<b>DENY.</b> This reveals no confidential information.
10	Evans Opening FN50	Apple	<b>DENY.</b> This reveals no confidential information.
11			
12	Evans Opening Figure 2	Apple	<b>GRANT</b> as to number. This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
13			
14	Evans Opening 154	Apple	<b>GRANT.</b> This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
15	Evans Opening FN51	Apple	<b>DENY.</b> This reveals no confidential information.
16	Evans Opening FN52	Apple	<b>DENY.</b> This reveals no confidential information.
17			
18	Evans Opening 172	Valve	<b>GRANT.</b> This contains Valve's confidential business information. (See Dkt. No. 569 ¶ 10.)
19	Evans Opening 173	Valve	<b>DENY.</b> This reveals no confidential information.
20	Evans Opening FN65	Valve	<b>DENY.</b> This reveals no confidential information.
21			
22	Evans Opening 177	Microsoft, Valve	<b>GRANT.</b> This contains Valve's confidential business information. (See Dkt. No. 569 ¶ 11.) Microsoft does not seek to seal.
23			
24	Evans Opening 182	Apple	<b>GRANT</b> as to last sentence only. This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
25			
26	Evans Opening 183	Apple	<b>DENY.</b> This reveals no confidential information.
27	Evans Opening 184	Apple	<b>DENY.</b> This reveals no confidential information.
28	Evans Opening FN74	Apple	<b>DENY.</b> This reveals no

1			confidential information.
2	Evans Opening Figure 3	Apple	<b>DENY.</b> This contains primarily historical confidential information that does not outweigh its relevance to the case.
3			
4	Evans Opening 188	Apple	<b>DENY.</b> This contains primarily historical confidential information that does not outweigh its relevance to the case.
5			
6	Evans Opening Table 7	Apple	<b>DENY.</b> This contains primarily historical confidential information that does not outweigh its relevance to the case.
7			
8	Evans Opening 189	Apple	<b>DENY.</b> This contains primarily historical confidential information that does not outweigh its relevance to the case.
9			
10	Evans Opening FN77	Apple	<b>DENY.</b> This reveals no confidential information.
11			
12	Evans Opening Figure 4	Apple	<b>DENY.</b> This reveals no confidential information.
13			
14	Evans Opening FN105	Apple	<b>GRANT.</b> This contains Apple's confidential technical information. (See Dkt. No. 540 ¶ 18.)
15			
16	Evans Opening 229	Apple	<b>DENY.</b> This reveals no confidential information.
17			
18	Evans Opening Figure 5	Apple	<b>GRANT.</b> This contains Apple's confidential technical information that could be used to evade security protocols if disclosed. (See Dkt. No. 540 ¶ 18.)
19			
20	Evans Opening FN108	Apple	<b>DENY.</b> This reveals no confidential information.
21			
22	Evans Opening 241	Match	<b>GRANT.</b> This contains Match's confidential business information that could cause competitive harm to Match. (See Dkt. No. 570 ¶ 5.)
23			
24	Evans Opening 242	Microsoft	<b>DENY.</b> Microsoft does not seek to seal.
25			
26	Evans Opening 270(i)	Apple	<b>GRANT.</b> This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
27			
28	Evans Opening Table 8	Apple, App Annie	<b>GRANT.</b> This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
	Evans Opening 288	Apple	<b>GRANT.</b> This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)

1	Evans Opening 295	Apple	<b>DENY.</b> This reveals no confidential information.
2			
3	Evans Opening FN126	Apple	<b>GRANT</b> as to number only. This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
4			
5	Rossi Opening 49	Apple	<b>GRANT.</b> This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
6			
7	Cragg Rebuttal 9	Spotify	<b>GRANT</b> as to bullet 3 after "Moreover." This discloses Spotify's confidential business information and could harm Spotify in negotiations with content owners and distributors. (Dkt. No. 575 ¶ 7.)
8			
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10	Cragg Rebuttal 56	Apple	<b>GRANT.</b> This contains Apple's confidential business information. (See Dkt. No. 540 ¶ 18.)
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12	Cragg Rebuttal Figure 4	Apple	<b>GRANT.</b> This contains Apple's confidential business information. (See Dkt. No. 540 ¶ 18.)
13			
14	Cragg Rebuttal 57	Apple	<b>GRANT.</b> This contains Apple's confidential financial information. (See Dkt. No. 540 ¶ 18.)
15			
16	Cragg Rebuttal 65	Spotify	<b>DENY.</b> Spotify does not seek to seal.
17	Cragg Rebuttal 69	Spotify	<b>DENY.</b> Spotify does not seek to seal.
18	Cragg Rebuttal 70	Spotify	<b>GRANT</b> as to clause beginning with "which it estimates." This discloses Spotify's confidential marketing spending data that could harm Spotify competitively by informing competitors' business decisions. (Dkt. No. 575 ¶ 14.)
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21			
22	Cragg Rebuttal Figure 8	Spotify	<b>GRANT.</b> This discloses Spotify's confidential business data that could harm Spotify competitively if disclosed. (Dkt. No. 575 ¶ 15.) The relevant portion of the information is already disclosed in the paragraphs 70 and 71.
23			
24			
25			
26	Cragg Rebuttal 71	Spotify	<b>GRANT.</b> This discloses Spotify's confidential business data that could harm Spotify competitively if disclosed. (Dkt. No. 575 ¶ 15.)
27			
28	Cragg Rebuttal FN10	Spotify	<b>DENY.</b> Spotify does not seek to

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