No. 23-_____

UNITED STATES COURT OF APPEALS
for the FEDERAL CIRCUIT

IN RE: DODOTS LICENSING SOLUTIONS LLC,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Western District of Texas in Case No. 6:22-cv-00533-ADA, Judge Alan D Albright

DODOTS LICENSING SOLUTIONS LLC'S MOTION TO WAIVE CONFIDENTIALITY REQUIREMENTS

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SEPTEMBER 29, 2023

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

CERTIFICATE OF INTEREST

Case Number 23-

Short Case Caption In re: DoDots Licensing Solutions LLC

Filing Party/Entity DoDots Licensing Solutions LLC

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 09/29/2023

Signature: /s/ Ronald M. Daignault

Name: Ronald M. Daignault

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	**2. Real Party in Interest.** Fed. Cir. R. 47.4(a)(2).	**3. Parent Corporations and Stockholders.** Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. ☑ None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. ☑ None/Not Applicable
DoDots Licensing Solutions LLC		

☐ Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable ☐ Additional pages attached

Daignault Iyer LLP: Shalu Maheshwari		

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☐ Yes (file separate notice; see below) ☑ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☑ None/Not Applicable ☐ Additional pages attached

Under Federal Rule of Appellate Procedure 27 and Federal Circuit Rule 25.1(d)(3), Petitioner DoDots Licensing Solutions LLC ("DoDots") respectfully moves to waive the confidentiality requirements of Federal Circuit Rule 25.1(d)(1)(A). In support of this Motion, DoDots states as follows:

1. Pursuant to 28 U.S.C. § 1651, DoDots petitions for a writ of mandamus to obtain relief from an order of United States District Judge Alan D Albright of the United States District Court for the Western District of Texas granting a motion to transfer filed by Apple Inc.

2. In the proceedings below, Apple marked information as "Confidential – Outside Attorney's Eyes Only" pursuant to the district court's protective order. The protective order is included in the Appendix accompanying DoDots' Petition.

3. There is good cause for this request. While DoDots appreciates that Apple redacted a significant amount of material from the proceedings below, DoDots has no desire to disclose information that Apple deems highly confidential and related to its business practices. The confidential information contained in DoDots' Petition is necessary to support DoDots' argument that the district court clearly abused its discretion in transferring the case to the United States District Court for the Northern District of California. The confidential testimony of Apple's employees demonstrates their relevance to the case and shows how the

district court erred in not giving enough weight to their presence in the Western District of Texas. Similarly, the confidential information regarding independent contractors affiliated with Apple that are located in the Western District of Texas is necessary to show how the district court erred in weighing its subpoena power over these witnesses compared to the subpoena power of the Northern District of California. Accordingly, the confidentiality requirements should be waived in this case.

4. DoDots seeks to mark a total of 239 unique words as confidential in its Petition. The designated material was redacted from publicly filed documents in the proceedings below by Respondent Apple, Inc. The designated material includes the testimony of Apple employees regarding their highly confidential work for Apple, as well as the technical operation of Apple's products and Apple's business practices. The designated material also includes information regarding the highly confidential work of independent contractors affiliated with Apple.

5. DoDots does not know whether other parties consent to this motion.

CONCLUSION

For the foregoing reasons, the Court should grant this motion to waive the requirements of Federal Circuit Rule 25.1(d)(1)(A).

Dated: September 29, 2023

Respectfully submitted,

/s/ *Ronald M. Daignault*

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CERTIFICATE OF COMPLIANCE

The undersigned certifies that this petition complies with the type-volume limitation of Federal Rule of Appellate Procedure 21(d)(1) because this petition contains 399 words, excluding the parts of the petition exempted by Federal Rule of Appellate Procedure 32(f) and Federal Circuit Rule 32(b)(2). This petition complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this petition has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Times New Roman 14-point font.

/s/ Ronald M. Daignault
Ronald M. Daignault

FORM 30. Certificate of Service

Form 30
July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

CERTIFICATE OF SERVICE

Case Number 23-

Short Case Caption In Re DoDots Licensing Solutions LLC

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on 09/29/2023

by ☐ U.S. Mail ☐ Hand Delivery ☑ Email ☐ Facsimile
☑ Other: Federal Express Mail

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
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☑ Additional pages attached.

Date: 09/29/2023

Signature: /s/ Ronald M. Daignault

Name: Ronald M. Daignault

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by ☐ U.S. Mail ☐ Hand Delivery ☑ Email ☐ Facsimile
☑ Other: Federal Express Mail

on the below individuals at the following locations.

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☐ Additional pages attached.

Date: 09/29/2023

Signature: /s/ Ronald M. Daignault

Name: Ronald M. Daignault