

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**APPLE INC.,**  
*Plaintiff-Appellant,*

v.

**SAMSUNG ELECTRONICS CO., LTD., SAMSUNG  
ELECTRONICS AMERICA, INC., AND SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC,**  
*Defendants-Cross Appellants.*

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2012-1600, -1606

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Appeals from the United States District Court for the  
Northern District of California in case no. 11-CV-1846,  
Judge Lucy H. Koh.

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**ON MOTION**

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PER CURIAM.

**O R D E R**

First Amendment Coalition (FAC) moves to intervene,  
to reform the caption, and to set an expedited briefing  
schedule. Apple Inc. and Samsung Electronics Co., Ltd. et  
al. (Samsung) oppose the motions.

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Both Samsung and Apple have appealed from orders partially denying motions to seal the record. FAC, which was not a party to the action and did not seek to participate below, now moves to intervene.

A party that has not moved to intervene at the trial court must satisfy a more exacting standard to justify intervention on appeal. *See Landreth Timber Co. v. Landreth*, 731 F.2d 1348, 1353 (9th Cir. 1984) (“A court of appeals may permit intervention where none was sought in district court ‘only in an exceptional case for imperative reasons[.]’” (citation omitted); *Spring Constr. Co., Inc. v. Harris*, 614 F.2d 374, 377 n.1 (4th Cir. 1980) (“[M]ost cases have held that intervention on appeal will be granted only under exceptional circumstances.”).

Here, we cannot say that standard has been met. We therefore deny FAC’s motion to intervene. FAC, however, may move to file a brief amicus curiae as set forth below. Because FAC is not a party to this appeal, we deny its other motions.

Accordingly,

IT IS ORDERED THAT:

(1) FAC’s motions are denied.

(2) FAC may move for leave to file a brief amicus curiae with the brief attached no later than 14 days after Samsung’s brief is filed.

SEP 18 2012

Date

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Kathleen M. Sullivan, Esq.  
William F. Lee, Esq.  
William R. Stein, Esq.

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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

SEP 18 2012

JAN HORBALY  
CLERK