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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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TriQuint Semiconductor, Inc., a Delaware corporation,

No. CV 09-1531-PHX-JAT

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Plaintiff/Counter-Defendant,

ORDER

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vs.

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Avago Technologies Limited, a Singapore corporation; Avago Technologies U.S., Inc., a Delaware corporation, Avago Technologies Wireless IP (Singapore) Pte., Ltd., a Singapore corporation,

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Defendants/Counter-Claimants.

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Pending before the Court are: (1) Avago's Motion to Seal the Sealed Lodged

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Proposed Version of its Response to TriQuint's Motion for Summary Judgment, and to Seal

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Certain Items in TriQuint's Opposition to Avago's Motion for Summary Judgment (Doc.

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380¹; Doc. 365-notice); (2) TriQuint's Motion to Seal Certain Items in Parties' Replies in

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Support of their Motions for Summary Judgment (Doc. 381; Doc. 370-notice); (3) Avago's

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Supplemental Motion to Seal the Lodged Proposed Versions of its Motion for Summary

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¹ Although this Motion's title indicates that it seeks to seal documents attached to

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Avago's Response to TriQuint's Motion for Summary Judgment and documents attached to

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TriQuint's Opposition to Avago's Motion for Summary Judgment, the substance of the

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Motion indicates that Avago seeks to seal documents related to TriQuint's Reply in Support of its Motion for Partial Summary Judgment and documents related to Avago's Reply in Support of its Motion for Summary Judgment.

1 Judgment and Supporting Documents, the Lodged Proposed Versions of Its Opposition to
2 TriQuint’s Motion for Summary Judgment and Supporting Documents, Certain Items in
3 TriQuint’s Motion for Summary Judgment, and Certain Items in TriQuint’s Opposition to
4 Avago’s Motion for Judgment (Doc. 388); (4) TriQuint’s Supplemental Motion to Seal
5 Certain Items in Parties’ Motions for and Oppositions to Summary Judgment (Doc. 389); (5)
6 TriQuint’s Motion to Seal Certain Items in TriQuint’s Notice of Errata (Doc. 405; Doc. 393 -
7 notice); (6) TriQuint’s Motion to Seal and Notice of Lodging Under Seal (Doc. 397); and (7)
8 Avago’s Motion to Seal and Notice of Lodging Under Seal (Doc. 400).

9 **I. BACKGROUND**

10 The Parties in this case have stipulated to a Protective Order (Doc. 90) with regard to
11 information, documents, and other things produced or served, or otherwise disclosed in this
12 action, which they allege involve trade secrets and other valuable research, development,
13 commercial, financial, technical and/or proprietary information for which special protection
14 from public disclosure and from use for any other purpose other than prosecution of this
15 action is warranted. The Parties represented to the Court that they have met and conferred
16 and have no disagreements regarding the filing under seal of any documents designated for
17 protection under the Stipulated Protective Order. *See* Doc. 298.

18 The Court has ordered a protocol (Doc. 300) for the filing of dispositive motions that
19 the Parties wish to have filed under seal. Pursuant to the protocol, the Parties have filed
20 several motions to seal that are now pending before the Court. The Court now rules on those
21 motions.

22 **II. LEGAL STANDARD**

23 Because there is a strong presumption in favor of public access to court documents,
24 a party seeking to seal a judicial record “bears the burden of overcoming this strong
25 presumption by meeting the ‘compelling reasons’ standard.” *Kamakana v. City and County*
26 *of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (internal citation omitted). This means
27 “the party must articulate compelling reasons supported by specific factual findings that
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1 outweigh the general history of access and the public policies favoring disclosure.” *Id.* at
2 1178-1179 (internal quotations omitted). These compelling reasons must be shown in order
3 to seal judicial records attached to a dispositive motion, even if the dispositive motion, or its
4 attachments, were previously filed under seal or protective order. *Id.* at 1179.

5 After conscientiously balancing the competing interests of the public and the party
6 who seeks to keep certain judicial records secret, “if the court decides to seal certain judicial
7 records, it must base its decision on a compelling reason and articulate the factual basis for
8 its ruling, without relying on hypothesis or conjecture.” *Id.* (internal quotations omitted).

9 **III. ANALYSIS**

10 **A. TriQuint’s Motion to Seal Certain Items in Parties’ Replies in Support** 11 **of their Motions for Summary Judgment (Doc. 381; Doc. 370-notice)** 12 **(“TriQuint’s First Motion to Seal”)**

13 In its First Motion to Seal, TriQuint seeks to seal Exhibits 375 and 379 attached to its
14 Sealed Lodged Proposed Declaration of Jonathan M. James in Support of TriQuint’s Reply
15 in Support of its Motion for Partial Summary Judgment (Doc. 371-1) (the “James Reply
16 Declaration”) and Exhibits 188B, 291, 295, 296, 301, 202, and 313 attached to Avago’s Rule
17 56.1 Controverting Statement of Facts to TriQuint’s Additional Statement of Facts and
18 Avago’s Reply Statement of Facts in Support of its Statement of Material Facts (Doc. 366)
19 (“Avago Reply SOF”). TriQuint has identified six categories of information that it seeks to
20 seal: (1) customer identities, (2) sales information, (3) market analysis, (4) corporate
21 acquisitions, (5) capital expenditures and development costs, and (6) manufacturing capacity.

22 In accordance with this Court’s prior Orders, TriQuint has diligently redacted each
23 of the exhibits it seeks to have sealed, limiting its redactions to only that information it
24 considers to be the most sensitive. Further, TriQuint has specifically identified the
25 information it seeks to redact, has individually identified such information in each document,
26 and has provided the Court with full explanations as to why that information should be
27 sealed. The Court will briefly discuss each category of information that TriQuint seeks to
28 have sealed.

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1. Customer Identity Information

Where a party shows that its documents contain sources of business information that might harm its competitive standing, the need for public access to the records is lessened. *See Nixon v. Warner Comm'ns, Inc.*, 435 U.S. 589, 598 (1978). TriQuint contends that the identities of its customers are not generally known to the public and requests that its customers' names be redacted from Exhibit 375 to the James Reply Declaration and Exhibits 188B, 295, and 303 to the Avago Reply SOF. This Court has previously held that solely redacting TriQuint's customer names from the exhibits only withholds a comparatively small amount of information from the public, protects TriQuint's interest in its competitive standing, and does not affect the public's interest in keeping a watchful eye on the workings of public agencies. Accordingly, TriQuint has shown compelling reasons to redact its customer names and other identifying information from Exhibit 375 to the James Reply Declaration and Exhibits 188B, 295, and 303 to the Avago Reply SOF.

2. Volume of Sales Information

TriQuint seeks to redact information regarding the volume of its sales. TriQuint acknowledges that its total revenue is public, but asserts that its competitive standing will be seriously harmed if certain sales information is released to the public because it would provide competitors with information regarding TriQuint's capacity, business strategy related to particular industries and markets, and the value of its business in certain products. TriQuint has limited its redactions to certain numbers that would reveal this information to competitors. Because TriQuint would be harmed if this information were revealed to the public and only a limited amount of information will be kept from the public, the Court finds that TriQuint has shown compelling reasons to seal volume of sales information in Exhibits 375 and 379 to the James Reply Declaration and Exhibits 295, 296, 301, and 303 to the Avago Reply SOF.

3. Market Analysis Information

TriQuint seeks to seal Exhibit 313 to the Avago Reply SOF. Exhibit 313 is a detailed

1 spreadsheet tracking information regarding potentially competitive products that TriQuint
2 asserts is integral to its market analysis. TriQuint asserts that this information constitutes a
3 trade secret because it contains significant proprietary information. TriQuint asserts that, if
4 this information is revealed to the public, it will suffer serious competitive harm. Because
5 TriQuint would be harmed if this information were revealed to the public and only a limited
6 amount of information will be kept from the public, the Court finds that TriQuint has shown
7 compelling reasons to seal the market analysis information contained in Exhibit 313 to the
8 Avago Reply SOF.

9 **4. Corporate Acquisitions Information**

10 TriQuint seeks to redact portions of Exhibit 188B to the Avago Reply SOF because
11 it contains TriQuint's analysis of and business strategy related to acquisition and licensing
12 opportunities. TriQuint asserts that revealing its negotiation strategies, business priorities
13 and decision-making process, in the context of acquisition and licensing negotiations with
14 a third party, would significantly harm its competitive standing. Because TriQuint would be
15 harmed if this information were revealed to the public and this information is only
16 tangentially related to the Parties' motions for summary judgment, the Court finds that
17 TriQuint has shown compelling reasons to seal the corporate acquisitions information
18 contained in Exhibit 188B to the Avago Reply SOF.

19 **5. Capital Expenditures and Development Cost Information**

20 TriQuint seeks to redact portions of Exhibit 291 to the Avago Reply SOF because it
21 contains information regarding BAW development spending, budgets, and development
22 processes. TriQuint asserts that revealing this information to the public would significantly
23 harm its competitive standing because it would allow competitors to tailor their own capital
24 expenditures, budgets, and business strategies to compete against TriQuint more effectively.
25 Because TriQuint would be harmed if this information were revealed to the public and this
26 information is only tangentially related to the Parties' motions for summary judgment, the
27 Court finds that TriQuint has shown compelling reasons to seal the information contained
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1 in Exhibit 291 to the Avago Reply SOF.

2 **6. Manufacturing Capacity Information**

3 TriQuint seeks to redact portion of Exhibit 303 to the Avago Reply SOF because it
4 contains numbers stating TriQuint’s manufacturing capacity. TriQuint asserts that revealing
5 this information to the public would harm its competitive standing because it would allow
6 competitors to tailor their own production and sales strategies to compete with TriQuint more
7 effectively. Because TriQuint would be harmed if this information were revealed to the
8 public, the Court finds that TriQuint has shown compelling reasons to seal the information
9 in Exhibit 303 to the Avago Reply SOF.

10 Accordingly, TriQuint’s First Motion to Seal (Doc. 381) is granted.

11 **B. Avago’s Motion to Seal the Sealed Lodged Proposed Version of its**
12 **Response to TriQuint’s Motion for Summary Judgment, and to Seal**
13 **Certain Items in TriQuint’s Opposition to Avago’s Motion for Summary**
14 **Judgment (Doc. 380; Doc. 365-Notice) (“Avago’s First Motion to Seal”)**

15 In its First Motion to Seal, Avago seeks to seal portions of (1) Exhibits 193B, 288, and
16 294 to its Reply in Support of its Motion for Summary Judgment (Doc. 366), (2) the
17 Declaration of Richard Ruby lodged in support of its Reply in Support of its Motion for
18 Summary Judgment and Exhibits 1 and 2 thereto, and (3) Exhibits 372, 374, 376, 377, 378,
19 and 381 to the James Reply Declaration.

20 Avago argues that these documents fall into four categories that require them to be
21 sealed: (1) acquisition of assets from Infineon AG; (2) sales volume and pricing; (3) sensitive
22 information about Avago’s products and processes that is not typically available to the
23 public, including processes for making BAW filters; and (4) business relations with
24 customers and potential customers, including Apple Inc. and Motorola, Inc.

25 In accordance with this Court’s prior Orders, Avago has diligently redacted each of
26 the exhibits it seeks to have sealed, limiting its redactions to only that information it
27 considers to be the most sensitive. This Court has previously held that disclosing
28 confidential business dealings with third parties, certain customer and pricing information,
and trade secrets, such as the processes involved in production, could harm Avago’s

1 competitive standing. Since only a relatively small portion of information will be withheld
2 from the public and Avago could suffer harm from the disclosure of this information, the
3 Court finds that Avago has shown compelling reasons to seal this information. Accordingly,
4 Avago's First Motion to Seal (Doc. 380) is granted.

5 **C. Avago's Supplemental Motion to Seal the Lodged Proposed Versions of**
6 **its Motion for Summary Judgment and Supporting Documents, the Lodged**
7 **Proposed Versions of Its Opposition to TriQuint's Motion for Summary**
8 **Judgment and Supporting Documents, Certain Items in TriQuint's Motion**
9 **for Summary Judgment, and Certain Items in TriQuint's Opposition to**
10 **Avago's Motion for Judgment (Doc. 388) ("Avago's Second Motion to**
11 **Seal")**

12 In its Second Motion to Seal, Avago seeks to seal: (1) Exhibits 65, 214, and 66 to its
13 Rule 56.1 Statement of Undisputed Material Facts (Doc. 312) ("Avago's SOF"), (2) Exhibit
14 185A and portions of Exhibits 187A, 218, 222, 205A, and 239A to its Controverting
15 Statement of Facts and Additional Statement of Facts (Doc. 350) ("Avago's Controverting
16 SOF"), (3) Exhibits 21, 23, 28, 31, 33, 34, 35, 37, 40, 44, 69, 70, 46, 9, 14, 15, 54, 72, 32,
17 39, 53, 55, 56, 58, 73, 63, 64 and portions of Exhibits 11, 13, 20, 22, 24, 29, 30, 36, 38, 42,
18 43, 57, 59, 60, 67, 12, 52, 61, 62, 76, 92, 93, 104, 117, 118, 127, 95 and 105 to the
19 Declaration of Jonathan M. James in Support of TriQuint's Motion for Partial Summary
20 Judgment (Doc. 306) ("James Supporting Declaration"), (4) Exhibits 303, 314, 315, 352, and
21 portions of 311, 313, 294, and 323 to the Declaration of Jonathan M. James in Support of
22 TriQuint's Opposition to Avago's Motion for Summary Judgment (Doc. 349) ("James
23 Opposition Declaration"), and (5) Exhibits 20, 33, 175, 198, 142, 149, 180, 189, 190, 192,
24 195, 200, 201, and 193 to Avago's Statement of Undisputed Material Facts (Doc. 312).

25 Avago has identified four categories of information that it seeks to seal: (1) business
26 decision-making information, including pricing information and customer names, (2)
27 acquisition of assets from Infineon, (3) trade secrets, including filter design layouts, GDS
28 layer information, wireframe GDS images, and manufacturing processes, and (4) licensing
agreements.

Avago has again diligently redacted its exhibits and only requests that the Court seal

1 the information it considers to be the most sensitive. This Court has previously held that
2 disclosing certain customer and pricing information, certain licensing information, and trade
3 secrets, such as the filter design layouts, GDS layer information, wireframe GDS images,
4 and manufacturing processes could harm Avago's competitive standing. Because only a
5 relatively small portion of information will be withheld from the public and Avago could
6 suffer harm from the disclosure of this information, the Court finds that Avago has shown
7 compelling reasons to seal this information. Accordingly, Avago's Second Motion to Seal
8 (Doc. 388) is granted.

9 **D. TriQuint's Supplemental Motion to Seal Certain Items in Parties'**
10 **Motions for and Oppositions to Summary Judgment (Doc. 389)**
11 **("TriQuint's Second Motion to Seal")**

12 In its Second Motion to Seal, TriQuint has identified thirteen categories of
13 information that it seeks to seal: (1) customer information, (2) sales information, (3) pricing
14 information, (4) business strategies, (5) market analysis, (6) corporate acquisitions, (7) trade
15 secrets, including development of new products and technology, (8) capital expenditures and
16 development costs, (9) manufacturing capacity, inventory, and yields, (10) investment
17 information, (11) profit margins, (12) organizational charts, and (13) employee information.

18 TriQuint has again diligently redacted each of the exhibits it seeks to have sealed,
19 limiting its redactions to only that information it considers to be the most sensitive. Further,
20 TriQuint has specifically identified the information it seeks to redact, has individually
21 identified such information in each document, and has provided the Court with full
22 explanations as to why that information should be sealed. The Court will briefly discuss
23 each category of information that TriQuint seeks to have sealed.

24 In its Second Motion to Seal, TriQuint offers the same reasons to seal information
25 regarding sales, market analysis, corporate acquisitions, capital expenditures and
26 development costs, trade secrets, and manufacturing capacity that it offered in its First
27 Motion to Seal, discussed above. For the same reasons discussed above, the Court finds that
28 TriQuint has limited its redactions to only that information that, if disclosed, could harm its

1 competitive standing. Further, for the reasons discussed in this Court's Orders regarding
2 prior motions to seal, the Court finds that TriQuint has shown compelling reasons to seal
3 certain confidential information regarding its employees. Additionally, TriQuint asserts that
4 one exhibit contains two lines of attorney-client privileged information. The Court agrees
5 that such information is properly redacted. Accordingly, the Court finds that TriQuint has
6 shown compelling reasons to seal information regarding volume of sales, market analysis,
7 corporate acquisitions, capital expenditures and development costs, trade secrets,
8 manufacturing capacity, confidential employee records, and information that is attorney-
9 client privileged.

10 **1. Customer Information**

11 TriQuint further seeks to protect information regarding its customers from public
12 disclosure. This information includes internal strategy regarding how best to win sales at
13 specific customers, how to address customer concerns, which products individual customers
14 are interested in, identifying information about customers, negotiations with customers, and
15 how to manage specific customer relationships. TriQuint contends that, if this information
16 were disclosed to the public, it would offer competitors valuable insight into its customer
17 relationships and negotiations and would allow competitors to copy its successful strategies
18 or to capitalize on its weak areas in order to compete with it. Because TriQuint would be
19 harmed if this information were revealed to the public and only a limited amount of
20 information will be kept from the public, the Court finds that TriQuint has shown
21 compelling reasons to seal certain information regarding its customers from disclosure.

22 **2. Pricing Information**

23 TriQuint seeks redaction of information regarding its product-specific pricing, target
24 prices, price proposals, and price forecasts. TriQuint argues that disclosure of its pricing
25 information would harm its competitive standing because it negotiates product-specific
26 pricing directly with customers and disclosure of such information would harm TriQuint's
27 bargaining position and would give competitors the ability to directly undercut TriQuint and
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1 unfairly win additional business. Because TriQuint would be harmed if this information
2 were revealed to the public and only a limited amount of information will be kept from the
3 public, the Court finds that TriQuint has shown compelling reasons to seal certain
4 information regarding its pricing from disclosure.

5 **3. Business Strategy Information**

6 TriQuint seeks redaction of information regarding its business strategy with regard
7 to its corporate direction, the development of certain products, product sourcing, product
8 competitiveness, and market and technological opportunities and risks. TriQuint argues that
9 disclosure of this information could harm its competitive standing because competitors
10 could then use those strategies to target certain areas of TriQuint's operations and, thus,
11 could compete against TriQuint more effectively and significantly harm TriQuint's business.

12 Because TriQuint would be harmed if this information were revealed to the public and only
13 a limited amount of information will be kept from the public, the Court finds that TriQuint
14 has shown compelling reasons to seal certain information regarding its business strategy
15 from disclosure.

16 **4. Investment Information**

17 TriQuint seeks redaction of data regarding the performance and terms of its specific
18 investments, including financial strategies and returns. TriQuint argues that disclosure of
19 this information could harm its competitive standing and is entirely unrelated to the
20 underlying case. Where information is entirely unrelated to the underlying cause of action,
21 the public need is lessened. Accordingly, because there is a risk of harm to TriQuint's
22 competitive standing if its investment information is disclosed, the Court finds that TriQuint
23 has shown compelling reasons to seal this information.

24 **5. Profit Margin Information**

25 TriQuint seeks redaction of confidential information regarding its profit margins for
26 specific products. TriQuint argues that, because disclosure of margin information provides
27 insight into manufacturing costs and is a key factor in determining pricing, its competitors
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1 would be able to compete with it more effectively by undercutting TriQuint's pricing and
2 compromising TriQuint's ability to negotiate and maximize its revenues. Because
3 TriQuint would be harmed if this information were revealed to the public and only a limited
4 amount of information will be kept from the public, the Court finds that TriQuint has shown
5 compelling reasons to seal certain information regarding its profit margins from disclosure.

6 **6. Disclosure of Organizational Charts**

7 Finally, TriQuint seeks redaction of certain organizational charts for various internal
8 management, sales, and engineering employees and groups within TriQuint. TriQuint
9 argues that allowing competitors to access information regarding its internal management
10 structure, human resource allocation, and human resource capacity would harm its business
11 relations by allowing competitors to estimate the resources TriQuint has committed to
12 particular projects and would disadvantage it in future negotiations. Because TriQuint
13 would be harmed if this information were revealed to the public and only a limited amount
14 of information will be kept from the public, the Court finds that TriQuint has shown
15 compelling reasons to seal certain information regarding its organizational charts from
16 disclosure.

17 **7. Motion to Seal Notice of Errata**

18 Additionally, TriQuint has filed a Notice of Errata (Doc. 394), which adds pages to
19 exhibits attached to the James Opposition Declaration. TriQuint requests that the Court
20 allow redactions to the additional pages in Exhibits 137 and renews its original requests to
21 allow redactions to Exhibits 146 and 147. The exhibits contain redactions to the same
22 corporate acquisition and business strategy information discussed above. Accordingly, the
23 Court finds that TriQuint has show compelling reasons to seal the exhibits attached to its
24 Notice of Errata. Therefore, TriQuint's Second Motion to Seal (Doc. 389) and TriQuint's
25 Motion to Seal Certain Items in its Notice of Errata (Doc. 405; Doc. 393-Notice) are
26 granted.

27 Based on the foregoing,
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1 **IT IS ORDERED** that TriQuint’s First Motion to Seal (Doc. 381; 370-Notice) is
2 granted.

3 **IT IS FURTHER ORDERED** that Avago’s First Motion to Seal (Doc. 380; 365-
4 Notice) is granted.

5 The Clerk of the Court shall file under seal (1) the original unredacted versions of
6 TriQuint’s Reply in Support of its Motion for Partial Summary Judgment (currently lodged
7 at Doc. 371) and (2) Defendants and Counterclaim Plaintiffs’ Reply in Support of their
8 Motion for Summary Judgment (currently lodged at Doc. 407).

9 **IT IS FURTHER ORDERED** that TriQuint’s Motion to Seal and Notice of Lodging
10 under Seal (Doc. 397) is granted.

11 The Clerk of the Court shall file under seal the original unredacted versions of
12 TriQuint’s Opposition to Avago’s Motion for Spoliation Sanctions (currently lodged at
13 Doc. 398).

14 **IT IS FURTHER ORDERED** that Avago’s Motion to Seal and Notice of Lodging
15 Under Seal (Doc. 400) is granted.

16 The Clerk of the Court shall file under seal the original unredacted versions of
17 Proposed Exhibits A-M to the Declaration of Eric B. Evans (currently lodged at Doc. 401).

18 **IT IS FURTHER ORDERED** that Avago’s Second Motion to Seal (Doc. 388) is
19 granted.

20 **IT IS FURTHER ORDERED** that TriQuint’s Second Motion to Seal (Doc. 389) is
21 granted.

22 The Clerk of the Court shall file under seal the original unredacted versions of (1)
23 TriQuint’s Motion for Partial Summary Judgment (currently lodged at Doc. 304), (2)
24 TriQuint’s Statement of Material Facts Relating to its Motion for Partial Summary Judgment
25 (currently lodged at Doc. 305), (3) Proposed Declaration of Jonathan M. James in Support
26 of TriQuint’s Motions for Summary Judgment (currently lodged at Doc. 306); (4) Avago’s
27 Rule 56.1 Controverting Statement of Facts and Additional Statement of Facts in Support
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1 of Response to TriQuint’s Statement of Material Facts (currently lodged at Doc. 350); (5)
2 Proposed Declaration of Jonathan M. James in Support of TriQuint’s Opposition to Avago’s
3 Motion for Summary Judgment with Exhibits (currently lodged at Doc. 349); (6) Avago’s
4 Motion for Summary Judgment (currently lodged at Doc. 312); (7) TriQuint’s Opposition
5 to Avago’s Motion for Summary Judgment (currently lodged at Doc. 344); (8) Declaration
6 of Debbie Burke in Support of TriQuint’s Opposition to Avago’s Motion for Summary
7 Judgment (currently lodged at Doc. 346); (9) TriQuint’s Responsive and Additional
8 Statement of Material Facts in Opposition to Avago’s Motion for Summary Judgment
9 (currently lodged at Doc. 348); (10) Avago’s Response to TriQuint’s Motion for Partial
10 Summary Judgment (currently lodged at Doc. 347); (11) Declaration of Lueder Elbrecht in
11 Support of Avago’s Response to TriQuint’s Motion for Summary Judgment (currently
12 lodged at Doc. 351); (12) Declaration of Paul Muralt in Support of Avago’s Response to
13 TriQuint’s Motion for Partial Summary Judgment (currently lodged at Doc. 352); (13)
14 Declaration of R.F. Milsom, Ph.D. in Support of Avago’s Response to TriQuint’s Motion
15 for Partial Summary Judgment (currently lodged at Doc. 353); and (14) Proposed
16 Declaration of Roger T. Howe, Ph.D. in Support of Avago’s Response to TriQuint’s Motion
17 for Partial Summary Judgment (currently lodged at Doc. 354).

18 **IT IS FURTHER ORDERED** that TriQuint’s Motion to Seal to Certain Items in its
19 Notice of Errata (Doc. 405; Doc. 393-Notice) is granted.

20 The Clerk of the Court shall file under seal the original unredacted versions of the
21 Proposed Declaration of David J. Palmer in Support of TriQuint’s Notice of Errata
22 (currently lodged at Doc. 396).

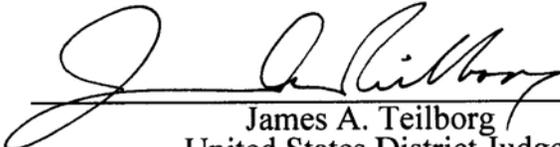
23 **IT IS FURTHER ORDERED** that, in accordance with the Parties’ withdrawal of
24 confidentiality designations of certain documents, and to the extent this Order requires, the
25 Parties shall file updated redacted public versions of all Motions and related documents that
26 are subjects of this Order.

27 The Court notes that Avago filed a Notice of Motion to Seal the Lodged Proposed
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1 Version of its Motion to Preclude Argument that TriQuint and Dr. Aigner Did Not Have
2 Notice and Knowledge of Potential Litigation When TriQuint Destroyed Evidence and
3 Motion for Expedited Consideration (Doc. 373-Notice) on October 4, 2011. The Court is
4 unable to locate a copy of the Motion to Seal that should have been filed within twenty-one
5 days of the filing of the Motion to Preclude (Doc. 374), which was filed on October 4, 2011.

6 Accordingly, **IT IS FURTHER ORDERED** that Avago shall file a Motion to Seal²
7 Doc. 374 within five days of the date of this Order. If Avago does not file a Motion to Seal
8 Doc. 374 within five days of the date of this Order, the Notice of the Motion to Seal (Doc.
9 373) will be denied with prejudice.³

10 DATED this 12th day of December, 2011.

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14 James A. Teilborg
15 United States District Judge
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24 _____
25 ² This Motion to Seal should provide the Court with compelling reasons why
26 carefully redacted portions of information should be sealed.

27 ³ The Court will not grant any further extensions to either Party to file Motions to
28 Seal. If the Parties do not timely file Motions to Seal in the future, the Court will order the
documents to be filed unsealed without further notice.