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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VOLTERRA SEMICONDUCTOR
CORPORATION,

Case No. C-08-05129 JCS

Plaintiff,

v.

PRIMARION, INC., ET AL.,

Defendants.

**ORDER RE PROPOSED REDACTIONS
TO HEARING TRANSCRIPTS OF
SEPTEMBER 30, 2009, OCTOBER 26,
2009, DECEMBER 18, 2009, JANUARY
22, 2010 & JANUARY 27, 2010 AND
COURT'S NOVEMBER 17, 2009 ORDER
[Docket Nos. 683, 684, 693, 703, 739]**

At the request of the parties, a number of hearings in this case were sealed. In particular, the Court sealed the hearings (or portions thereof) that were held on September 30, 2009, October 26, 2009, January 22, 2010 and January 27, 2010.¹ Similarly, the Court filed under seal its November 17, 2009 preliminary injunction order (“the Order”). At the hearings, the Court explained that its Order and the hearing transcripts would be unsealed, possibly with redactions, after the Court had considered submissions from the parties identifying the specific portions of the Order and transcripts that they contended should remain under seal.

The parties have filed proposed redactions, which the Court has reviewed. The Court finds that all of the proposed redactions to the transcripts of hearings on September 30, 2009, October 26, 2009, January 22, 2010 and January 27, 2010 are narrowly tailored to protect highly confidential information about the accused products and/or information about the parties’ sales and pricing that

¹The Court did *not* seal the December 18, 2009 hearing and the parties did not request that the transcript of that hearing be filed under seal. Therefore, the Court declines to seal the portions of these transcripts requested by Defendants in Docket No. 684. On the other hand, the Court will consider the proposed redactions to the hearing transcript for the October 26, 2009 hearing, even though that transcript was not filed under seal; the October 26, 2009 hearing was a continuation of the September 30, 2009 hearing, which was sealed. It was the Court’s intention that the transcripts of both the September and October hearings were to be filed under seal.

1 would likely damage the parties' competitive positions if made public. *See Oregonian Pub. Co. v.*
2 *U.S. Dist. Court*, 920 F.2d 1462, 1465 (9th Cir. 1990) (holding that "presumed right [of access to
3 court proceedings and documents] can be overcome only by an overriding right or interest 'based on
4 findings that closure is essential to preserve higher values and is narrowly tailored to serve that
5 interest'"). Therefore, the following shall be under seal:

- 6 1. **November 17, 2009 Preliminary Injunction Order:** The numbers on page 10, lines
7 6 and 11, as requested by Plaintiff in Docket No. 703, page 1; also, the portions of the
8 Order listed in Docket No. 739-1, pages 6-7, as requested by Defendants. All of these
9 redactions are shown in the Declaration of David H. Dolkas in Support of
10 Defendants' Administrative Request [Docket No. 739-1], Ex. 3 (Under Seal).
- 11 2. **September 30, 2009 Hearing Transcript:** The portions of the transcript listed in
12 Docket No. 739-1, pages 2-4, as requested by Defendants. All of these redactions are
13 shown in the Declaration of David H. Dolkas in Support of Defendants'
14 Administrative Request [Docket No. 739-1], Ex. 1 (Under Seal).
- 15 3. **October 26, 2009 Hearing Transcript:** The portions of the transcript listed in
16 Docket No. 739-1, page 4, as requested by Defendants. All of these redactions are
17 shown in the Declaration of David H. Dolkas in Support of Defendants'
18 Administrative Request [Docket No. 739-1], Ex. 2 (Under Seal).
- 19 4. **January 22, 2010 Hearing Transcript:** The portion of the transcript listed in Docket
20 No. 683, that is, lines 19:2 - 20:14, as requested by Defendants. This redaction is
21 shown in the Declaration of Daniel R. Foster in Support of Defendants'
22 Administrative Request to Redact Portions of the Transcript of the Claim
23 Construction Hearing Held on January 22, 2010 [Docket No. 683-1], Ex. 1 (Under
24 Seal).
- 25 5. **January 27, 2010 Hearing Transcript:** The portions of the transcript listed in
26 Docket No. 693, that is, lines 168:17 -169:7 and 169:15 - 170:3, as requested by
27 Defendants. These redactions are shown in the Declaration of Daniel R. Foster in
28 Support of Defendants' Administrative Request to Redact Portions of the Transcript

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of the Claim Construction Hearing Held on January 27, 2010 [Docket No. 693-1], Ex. 1 (Under Seal).

The parties are instructed to prepare a redacted version of the Court’s November 17, 2009 Order, consistent with this Order, which will be filed by the Clerk on the public record in this case. The redacted order should be sent by email to Karen_Hom@cand.uscourts.gov in pdf format. The Court Reporters who prepared the transcripts of the hearings discussed above² are requested to prepare new transcripts, to be filed on the public record in this case, in which the sealed portions of the hearings listed above are redacted. In addition, with respect to the October 26, 2009 hearing transcript, the Court Reporter shall file a complete transcript of that hearing UNDER SEAL. Finally, the Clerk is instructed to remove from the docket the transcript of the October 26, 2009 hearing that was filed in this action on November 3, 2009.

IT IS SO ORDERED.

Dated: April 8, 2010



JOSEPH C. SPERO
United States Magistrate Judge

²The Court Reporters who prepared the original transcripts are Katherine A. Powell (September 30, 2009), Katherine Wyatt (October 26, 2009), Sahar McVickers (January 22, 2010) and Lydia Zinn (January 27, 2010).