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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICROSYSTEMS DEVELOPMENT
TECHNOLOGIES, INC., et al.,

Plaintiffs,

v.

PANASONIC CORPORATION, et al.,

Defendants.

Case No. [3:15-cv-03820-JD](#)

**ORDER RE ADMINISTRATIVE
MOTION TO SEAL**

Re: Dkt. No. 257

This order resolves a pending administrative motion to file a document under seal. Dkt. No. 257. The motion is denied.

The motion was filed in connection with a non-dispositive discovery dispute. Dkt. Nos. 257-3, 258. In our circuit, documents filed in connection with non-dispositive motions may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). But “[r]eference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” Civil L.R. 79-5(d)(1)(A). And “[a]n unsupported assertion of ‘unfair advantage’ to competitors without explaining ‘how a competitor would use th[e] information to obtain an unfair advantage’ is insufficient.” *Hodges v. Apple, Inc.*, No. 13-cv-01128-WHO, 2013 WL 6070408, at *2 (N.D. Cal. Nov. 18, 2013) (quoting *Dunbar v. Google, Inc.*, No. 5:12-cv-003305-LHK, 2012 WL 6202719, at *4-5 (N.D. Cal. Nov. 18, 2013)).

Under these standards, defendants have failed to show good cause why any portion of the discovery letter brief should be sealed. The repeated assertion that portions of the brief should be

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sealed “to avoid commercial harm and/or unfair competitive disadvantage,” without any supporting detail as to the threatened harm, is plainly insufficient. Dkt. No. 258 at 1-2. So too is defendants’ designation of the underlying materials as “Confidential” under a protective order. *Id.*

The motion is denied. The parties should file an unredacted version of the discovery letter brief within 7 days of this order.

IT IS SO ORDERED.

Dated: August 4, 2017



JAMES DONATO
United States District Judge