

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICRON TECHNOLOGY, INC.,
Plaintiff,
v.
UNITED MICROELECTRONICS
CORPORATION, et al.,
Defendants.

Case No. [17-cv-06932-MMC](#)

**ORDER GRANTING IN PART AND
DENYING IN PART DEFERRED
PORTION OF PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL; DIRECTIONS TO
PLAINTIFF**

Re: Dkt. No. 75

By order filed August 27, 2018, the Court granted in part, denied in part, and deferred ruling in part on plaintiff Micron Technology, Inc.'s ("Micron") "Administrative Motion to File Under Seal," filed August 13, 2018. In particular, to the extent Micron seeks leave to file under seal Exhibit 1-4 and 26 to the Declaration of Douglas L. Clark, the Court found the showing made by the parties was insufficient to support sealing of the entirety of those five exhibits and afforded the parties leave to file supplemental declarations to identify any specific portions that are properly filed under seal.

The Court has now received a supplemental declaration, filed August 31, 2018, by Micron, and a supplemental declaration, filed September 1, 2018, by defendant United Microelectronics Corporation. Having read and considered the parties' supplemental filings, the Court rules as follows:

1. With respect to Exhibit 1, the motion to seal is hereby GRANTED as to the following portions thereof and DENIED as to all other portions:

- a. Pages 41:18-44:9
- b. Pages 48:25-50:1
- c. Pages 50:10-51:15

- 1 d. Pages 57:23-58:21
- 2 e. Page 59:18-23
- 3 f. Page 64:20-65:18
- 4 g. Page 66:8-16
- 5 h. Pages 68:23-70:2
- 6 i. Pages 70:6-71:17
- 7 j. Page 72:8-23
- 8 k. Pages 74:14-75:25
- 9 l. Page 81:5-24
- 10 m. Page 82:11-83:3
- 11 n. Pages 83:15-84:19
- 12 o. Pages 85:24-87:6
- 13 p. Pages 102:1-103:1
- 14 q. Page 103:9-18
- 15 r. Pages 104:20-105:17

16 Plaintiff is hereby DIRECTED to file in the public record, within seven days of the
17 date of this order, a version of Exhibit 1 in which the portions identified above are
18 redacted.

19 2. With respect to Exhibit 2, the motion to seal is hereby GRANTED as to the
20 following portions thereof and DENIED as to all other portions:

- 21 a. Page 33:13-21
- 22 b. Pages 35:21-36:21
- 23 c. Page 69:2-23
- 24 d. Pages 70:20-72:13
- 25 e. Pages 77:18-78:4
- 26 f. Pages 96:12-100:18
- 27 g. Page 101:11-15
- 28 h. Pages 103:7-104:10

- 1 i. Pages 111:1-112:23
- 2 j. Page 120:1-7
- 3 k. Pages 127:18-128:20
- 4 l. Pages 146:2-154:24

5 Plaintiff is hereby DIRECTED to file in the public record, within seven days of the
6 date of this order, a version of Exhibit 2 in which the portions identified above are
7 redacted.

8 3. With respect to Exhibits 3 and 4, the motion to seal is hereby GRANTED as to
9 the following portions thereof and DENIED as to all other portions:

- 10 a. 2016/01/08 – entire conversation
- 11 b. 2016/01/09 – 24:23-24:41; 9:46; 9:49; 10:02-11:04
- 12 c. 2016/01/11 – entire conversation
- 13 d. 2016/01/12 – 6:53, 8:25, 20:00-20:01
- 14 e. 2016/01/18 – 18:12
- 15 f. 2016/01/23 – 11:14; 13:47
- 16 g. 2016/01/24 – 11:24
- 17 h. 2016/01/27 – entire conversation
- 18 i. 2016/01/31 – 19:11; 21:02
- 19 j. 2016/02/01 – 11:54
- 20 k. 2016/02/05 – 14:18 (first entry)
- 21 l. 2016/02/06 – 9:16; 9:35-9:43; 9:45; 9:51; 9:57
- 22 m. 2016/02/07 – 11:47; 12:02; 12:25-12:30
- 23 n. 2016/02/09 – 11:47 (first entry)
- 24 o. 2016/02/16 – 22:51
- 25 p. 2016/02/21 – 12:36-13:21; 13:23-13:24; 17:07
- 26 r. 2016/03/04 – 20:30-20:33
- 27 s. 2016/03/13 – 22:33 (monthly salary only)
- 28 t. 2016/03/22 – 21:37 (second entry); 21:38; 21:50; 21:51 (second entry);

- 1 21:52-21:54; 21:56 (second entry); 21:57; 21:58 (second entry)
- 2 u. 2016/03/30 – 20:20; 20:24 (first entry); 20:29 (second entry); 20:30-
- 3 20:31; 20:32 (first entry); 20:35-20:40; 20:44-21:03
- 4 v. 2016/04/01 – 17:15; 17:16 (first entry; last two words); 20:19
- 5 w. 2016/04/02 – 21:57; 22:39; 23:06-23:10
- 6 x. 2016/04/03 – 12:16-12:19; 21:04; 21:08-21:20; 21:21 (second entry; last
- 7 word); 21:23-21:34; 21:56-21:57; 21:58 (first entry); 21:58 (third entry;
- 8 last word); 21:59-22:00; 22:08; 22:19; 22:21
- 9 y. 2016/04/04 – 17:23-22:10
- 10 z. 2016/04/06 – 9:09-18:17
- 11 aa. 2016/04/07 – 17:08
- 12 bb. 2016/04/13 – 19:53; 19:58-20:00; 20:35-21:46
- 13 cc. 2016/04/14 – 22:38-22:40
- 14 dd. 2016/04/17 – 14:42-20:41
- 15 ee. 2016/04/20 – 8:08; 21:12-21:57; 21:59; 22:13
- 16 ff. 2016/04/26 – 16:21-16:34; 16:36 (first and second entries); 16:37 (third
- 17 entry; last word); 16:41 (last word); 16:58-18:10
- 18 gg. 2016/04/27 – 20:24 (first entry); 20:17
- 19 hh. 2016/05/01 – 21:19
- 20 ii. 2016/05/06 – 19:40-20:58
- 21 jj. 2016/06/30 – 9:27
- 22 kk. 2016/07/04 – 20:12-20:16; 20:24-20:27
- 23 ll. 2016/08/10 – entire conversation
- 24 mm. 2016/08/25 – 22:20
- 25 nn. 2016/09/09 – 19:32-22:08; 22:11 (second entry); 22:14; 22:16;
- 26 oo. 2016/09/13 – 23:11
- 27 pp. 2016/09/22 – 21:27
- 28 qq. 2016/09/25 – 19:58-20:00; 20:03-20:17

- 1 rr. 2016/09/28 – 21:58
- 2 ss. 2016/10/23 – entire conversation
- 3 tt. 2016/10/24 – 6:16 (second entry; last two words); 6:17 (first entry);
- 4 20:42
- 5 uu. 2016/10/28 – 20:16-20:38; 20:40; 20:41 (first entry); 20:42 (second
- 6 entry); 20:44-20:46; 20:47 (first entry); 20:48 (second entry); 20:49-
- 7 20:50; 20:56; 21:11-21:34; 21:39
- 8 vv. 2016/10/29 – 17:52
- 9 ww. 2016/10/31 – 8:03; 9:34; 22:42
- 10 xx. 2016/11/18 – 18:53; 20:52 (first and third entries); 20:57; 20:59 (first
- 11 entry); 21:01-21:02; 21:03 (first entry); 21:04; 21:05 (first entry); 21:06
- 12 (second entry); 21:07 (first entry); 21:08 (third entry); 21:09 (first entry)
- 13 yy. 2016/11/22 – 21:56 (first entry); 22:12-22:15
- 14 zz. 2016/11/30 – 21:13 (first sentence)
- 15 aaa. 2016/12/08 – 22:04 (first entry)
- 16 bbb. 2016/12/13 – 21:16 (first entry)
- 17 ccc. 2016/12/27 – 22:05-22:06; 22:09 (first entry)
- 18 ddd. 2017/01/05 – 21:39; 21:44 (second entry); 21:45-21:49; 21:51 (phrase
- 19 after “University”); 21:52 (second sentence); 21:54; 21:55 (first entry);
- 20 22:08; 23:00; 23:07 (first entry)
- 21 eee. 2017/01/09 – 22:11; 22:42; 22:50-22:51
- 22 fff. 2017/01/18 – 20:37 (second and third sentences); 20:54
- 23 ggg. 2017/01/24 – 23:01-23:07; 23:08 (second entry); 23:09-23:13; 23:16
- 24 (first entry)
- 25 hhh. 2017/02/03 – 23:15
- 26 iii. 2017/02/04 – 14:11; 17:49; 18:18-19:05

27 Plaintiff is hereby DIRECTED to file in the public record, within seven days of the

28 date of this order, versions of Exhibits 3 and 4 in which the portions identified above are

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

redacted.

4. With respect to Exhibit 26, the motion is DENIED, the designating party, UMC, not having identified any specific portions it asserts are properly filed under seal. Plaintiff is hereby DIRECTED to file Exhibit 26 in the public record, within seven days of the date of this order.

IT IS SO ORDERED.

Dated: September 13, 2018


MAXINE M. CHESNEY
United States District Judge