

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

3
4 TESSERA, INC.,

No. C 05-4063 CW

5 Plaintiff,

ORDER GRANTING
MOTION TO SEAL

6 v.

(Docket No. 1006)

7 ADVANCED MICRO DEVICES, INC.;
8 SPANSION, LLC; SPANSION, INC.;
9 SPANSION TECHNOLOGY, INC.;
10 ADVANCED SEMICONDUCTOR
11 ENGINEERING, INC.; ASE (U.S.),
12 INC.; CHIPMOS TECHNOLOGIES, INC.;
13 CHIPMOS U.S.A., INC.; SILICONWARE
14 PRECISION INDUSTRIES CO., LTD.;
15 SILICONWARE USA, INC.;
16 STMICROELECTRONICS N.V.;
17 STMICROELECTRONICS, INC.; STATS
18 CHIPPAC, INC.; STATS CHIPPAC
19 (BVI), INC.; and STATS CHIPPAC,
20 LTD.,

21 Defendants.

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23 _____/
24 Defendants and Counterclaimants Siliconware Precision
25 Industries Co., Ltd. and Siliconware USA, Inc. (collectively,
26 SPIL) move to seal Exhibit A to their joint stipulation with
27 Plaintiff Tessera, Inc. to dismiss Tessera's tenth cause of action
28 against SPIL. Exhibit A contains royalty reports with financial
information about payments made by SPIL pursuant to the TCC
License Agreement.

The parties seek to seal court records that are closely
related to the merits of its case. To establish that the
documents are sealable, the party who has designated them as
confidential "must overcome a strong presumption of access by
showing that 'compelling reasons supported by specific factual

1 findings . . . outweigh the general history of access and the
2 public policies favoring disclosure.'" Pintos v. Pac. Creditors
3 Ass'n, 605 F.3d 665, 679 (9th Cir. 2010) (citation omitted). Cf.
4 id. at 678 (explaining that a less stringent "good cause" standard
5 is applied to sealed discovery documents attached to
6 non-dispositive motions). This cannot be established simply by
7 showing that the document is subject to a protective order or by
8 stating in general terms that the material is considered to be
9 confidential, but rather must be supported by a sworn declaration
10 demonstrating with particularity the need to file each document
11 under seal. Civil Local Rule 79-5(a).

12 SPIL has submitted a declaration attesting that "public
13 disclosure of the royalty payments made under the TCC License
14 Agreement would harm SPIL by providing its competitors with
15 proprietary information regarding its services, including, the
16 amount of royalties paid to Tessera." Heafey Decl. ¶ 5.

17 Having reviewed Exhibit A, the Court concludes that SPIL has
18 established that it is sealable. Accordingly, SPIL's motion to
19 file under seal is GRANTED (Docket No. 1006). Within three days
20 of the date of this Order, SPIL shall electronically file under
21 seal Exhibit A to the stipulation of dismissal.

22 IT IS SO ORDERED.

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24 Dated: 8/10/2012


CLAUDIA WILKEN
United States District Judge

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