

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

3
4 TRANSPERFECT GLOBAL, INC., et al.

No. C 10-2590 CW

5 Plaintiffs,

ORDER GRANTING IN
PART

6 v.

ADMINISTRATIVE
MOTION TO SEAL

7 MOTIONPOINT CORP.,

(Docket No. 244)

8 Defendant.
9 _____/

10 Plaintiffs Transperfect Global, Inc., Transperfect
11 Translations, Inc., and Translations.com, Inc. seek leave to file
12 under seal portions of Joseph H. Lee's declaration in support of
13 their opening claim construction brief and motion for summary
14 judgment. The parties have filed a stipulation agreeing that
15 these documents should be filed under seal. Docket No. 245.

16 The Lee declaration is connected with a dispositive motion.
17 Thus, to establish that portions of the declaration are sealable,
18 Plaintiffs "must overcome a strong presumption of access by
19 showing that 'compelling reasons supported by specific factual
20 findings . . . outweigh the general history of access and the
21 public policies favoring disclosure.'" Pintos v. Pac. Creditors
22 Ass'n, 605 F.3d 665, 679 (9th Cir. 2010) (citation omitted).

23 Civil Local Rule 79-5(a) states that a "stipulation . . . will not
24 suffice to allow the filing of documents under seal." It further
25 requires that every sealing request "be narrowly tailored to seek
26 sealing only of sealable material." Civil L.R. 79-5(a).

27 Having reviewed the Declaration of L. Okey Onyejekwe filed in
28 support of the motion to seal, the Court finds that Plaintiffs

1 have demonstrated compelling reasons to seal Exhibits 16 and 17 of
2 the Lee declaration, which contain proprietary information about
3 Transperfect's business operations and technology.

4 Plaintiffs have not, however, established compelling reasons
5 for sealing in full Exhibits 13, 14, and 15 of the Lee
6 declaration, which contain various expert reports. Although
7 certain parts of these reports may be sealable, significant
8 portions of them are not. See, e.g., Lee Decl., Ex. 13, at 1-4;
9 Ex. 15, at 1-4 (describing experts' qualifications, compensation
10 rates, and prior testimony in other cases); Ex. 13, at 4-7; Ex.
11 14, at 2-6; Ex. 15, at 5-6 (summarizing experts' understandings of
12 legal standards); Ex. 13, at 7-22; Ex. 14, at 6-25; Ex. 15, at 7-
13 21 (describing background technology or other publicly available
14 information from the U.S. Patent & Trademark Office).

15 Accordingly, Plaintiffs' blanket assertion that these reports
16 contain "confidential and proprietary information regarding the
17 technical details of [Transperfect] products," Onyejekwe Decl.
18 ¶¶ 5-7, does not justify sealing these reports in their entirety.

19 Courts in this district are typically reluctant to permit the
20 sealing of expert reports without a more detailed explanation of
21 how the parties would be harmed by their disclosure. See, e.g.,
22 Fujitsu Ltd. v. Belkin Int'l, Inc., 2012 WL 6019754, at *3 (N.D.
23 Cal.) ("To the extent that Defendants contend that these [expert
24 reports] must be sealed because the descriptions of Defendants'
25 accused products constitute trade secrets, Defendants have not
26 identified any details to support such a designation."); Abaxis,
27 Inc. v. Cepheid, 2012 WL 3255600, at *3 (N.D. Cal.) ("[I]f [the
28 plaintiff] seeks to seal trade secrets contained in any portion of

1 Dr. William's expert report . . ., [the plaintiff] must submit a
2 narrowly tailored motion.").

3 CONCLUSION

4 For the reasons set forth above, Plaintiffs' administrative
5 motion to file under seal (Docket No. 244) is GRANTED in part and
6 DENIED in part. The Court grants Plaintiffs leave to file under
7 seal Exhibits 16 and 17 of the Lee declaration. Within one week
8 of this order, Plaintiffs shall file Exhibits 13, 14, and 15 of
9 the Lee declaration in the public record or file a renewed motion
10 to seal, accompanied by a supporting declaration, that identifies
11 the specific portions of those documents that are "privileged or
12 protectable as a trade secret or otherwise entitled to protection
13 under the law." Civil L.R. 79-5(a).

14 The parties' stipulation (Docket No. 245) is APPROVED insofar
15 as it conforms with this order.

16 IT IS SO ORDERED.

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18 Dated: 1/17/2013

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CLAUDIA WILKEN
United States District Judge