

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

3
4 TRANSPERFECT GLOBAL, INC.,
5 TRANSPERFECT TRANSLATIONS INT'L,
6 INC., and TRANSLATIONS.COM, INC.,

7 Plaintiffs,

8 v.

9 MOTIONPOINT CORP.,

10 Defendant.

No. C 10-2590 CW

AMENDED ORDER
GRANTING IN PART
TRANSPERFECT'S
MOTION TO SEAL;
DENYING
MOTIONPOINT'S
MOTION TO SEAL
(Docket Nos. 314 &
316)

11 Plaintiffs TransPerfect Global, Inc., TransPerfect
12 Translations International, Inc., and Translations.com, Inc.
13 (collectively, TransPerfect) move to seal portions of their
14 response to Defendant MotionPoint Corporation's motions in limine
15 and several of its supporting exhibits. MotionPoint moves to seal
16 portions of its response to TransPerfect's motions in limine, its
17 response to TransPerfect's brief on disputed issues of law, and
18 several supporting exhibits. After reviewing the parties'
19 submissions, the Court grants TransPerfect's motion to seal in
20 part and denies it in part and denies MotionPoint's motion to
21 seal.

22 I. TransPerfect's Motion to Seal

23 TransPerfect seeks to seal various excerpts from pages 20
24 through 24 of its response to MotionPoint's motions in limine as
25 well as Exhibits 23-26 and 28 to L. Okey Onyejekwe's declaration
26 in support thereof. It contends that these excerpts and exhibits
27 contain information about TransPerfect's proprietary technology
28 and sensitive financial information. After reviewing these

1 documents the Court finds that TransPerfect has provided good
2 cause for sealing the excerpts on pages 20, 22, and 23 (lines 1-3
3 only) of its response as well as Exhibits 23-26 to Onkejekwe's
4 declaration. TransPerfect has not, however, provided good cause
5 for sealing the excerpts on pages 23 (lines 25-28) and 24 (lines
6 1-3) and Exhibit 28 to Onkejekwe's declaration. These excerpts do
7 not discuss -- or even mention -- any sensitive information about
8 TransPerfect's finances and, thus, may not be sealed.

9 In addition to the documents discussed above, TransPerfect
10 seeks to seal various excerpts and exhibits that MotionPoint has
11 designated confidential. After reviewing these excerpts and
12 exhibits, the Court finds that none of them is sealable. Civil
13 Local Rule 79-5(a) only permits information to be sealed if it is
14 "privileged or protectable as a trade secret or otherwise entitled
15 to protection under the law." MotionPoint cannot seal exhibits or
16 excerpts of TransPerfect's brief merely because they contain
17 allegations about MotionPoint employees. Accordingly, the
18 excerpts on pages 5-14 of TransPerfect's response brief and
19 Exhibits 7-10, 13, and 29-31 to Onkejekwe's declaration may not be
20 sealed.

21 II. MotionPoint's Motion to Seal

22 MotionPoint moves to seal (1) several excerpts from its
23 response to TransPerfect's motions in limine; (2) over twenty
24 exhibits to Meghan Bordonaro's declaration supporting that
25 response; and (3) its response to TransPerfect's brief on disputed
26 issues of law. These excerpts and exhibits contain a significant
27 amount of non-sealable information, including descriptions of the
28 patents-in-suit and excerpts of reports that the Court has

1 previously refused to seal.¹ The documents also discuss discounts
2 MotionPoint offered prospective clients several years ago,
3 TransPerfect's efforts to purchase MotionPoint several years ago,
4 and MotionPoint's efforts to compete with TransPerfect for clients
5 several years ago. MotionPoint has not explained in any detail
6 how the disclosure of any of this information would harm its
7 business today. Accordingly, MotionPoint's motion to seal is
8 denied.

9 CONCLUSION

10 For the reasons set forth above, TransPerfect's motion to
11 seal (Docket No. 316) is GRANTED in part and DENIED in part.
12 Within two days of this order, TransPerfect shall file Exhibit 28
13 to Onkejekwe's declaration in the public record. In addition, it
14 shall publicly file its response to MotionPoint's motions in
15 limine after redacting the information outlined above.

16 MotionPoint's motion to seal (Docket No. 314) is DENIED.
17 Within two days of this order, MotionPoint shall publicly file
18 every previously sealed exhibit to Bordonaro's declaration. It
19 shall also publicly file unredacted versions of its response to
20 TransPerfect's motions in limine and its response to
21 TransPerfect's brief on disputed issues of law.

22 IT IS SO ORDERED.

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24 Dated: June 25, 2013


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CLAUDIA WILKEN
United States District Judge

¹ Some of these excerpts and exhibits were designated confidential by TransPerfect rather than MotionPoint. However, TransPerfect failed to file a declaration supporting its confidential designation of this information as it was required to do under Civil Local Rule 79-5(d).