

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

3  
4 TRANSPERFECT GLOBAL, INC.,  
5 TRANSPERFECT TRANSLATIONS  
6 INTERNATIONAL, INC., and  
7 TRANSLATIONS.COM, INC.,

No. C 10-2590 CW

ORDER REGARDING  
MOTIONS TO SEAL

8 Plaintiffs,

9 v.

10 MOTIONPOINT CORP.,

11 Defendant.

12 \_\_\_\_\_/

13 Before the Court are the parties' administrative motions to  
14 seal. Pursuant to Civil Local Rule 79-5, a document may be filed  
15 under seal only if a party establishes that the portions sought to  
16 be sealed "are privileged, protectable as a trade secret or  
17 otherwise entitled to protection under the law." Civ. L.R. 79-  
18 5(b). Any sealing request must be narrowly tailored to cover only  
19 sealable material. Id. The request must be supported by the  
20 designating party's declaration establishing that the information  
21 is sealable. Id. subsection (d).

22 "Historically, courts have recognized a 'general right to  
23 inspect and copy public records and documents, including judicial  
24 records and documents.'" Kamakana v. City & Cnty. of Honolulu,  
25 447 F.3d 1172, 1178 (9th Cir. 2006). In considering a sealing  
26 request, the Court begins with "a strong presumption of access  
27 [as] the starting point." Id. The documents sought to be filed  
28 under seal in this case are related to the parties' calculations  
of the amount of post-verdict royalties due. A party seeking to  
seal materials related to non-dispositive motions must show good

1 cause by making a "particularized showing" that "specific  
2 prejudice or harm will result" should the information be  
3 disclosed. Id. at 1179-80; Fed. R. Civ. P. 26(c). "[B]road,  
4 conclusory allegations of potential harm" will not suffice. Foltz  
5 v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1131 (9th Cir.  
6 2003).

7 I. Docket Nos. 559 and 561

8 Both parties have filed administrative motions to file under  
9 seal unredacted versions of their separate filings related to  
10 their calculations of post-verdict royalties due. The motions to  
11 seal are based on MotionPoint's assertion that its revenue  
12 information is confidential.

13 Although MotionPoint did not file a declaration in support of  
14 TransPerfect's motion to seal the revenue information, it did file  
15 a declaration in support of its own motion. Because the  
16 declaration supports a finding that the revenue information is  
17 highly sensitive and confidential business information that is not  
18 ordinarily disclosed and because MotionPoint and TransPerfect seek  
19 to seal same information, the Court will GRANT both parties'  
20 motions to seal. However, MotionPoint is advised that it is  
21 responsible for filing declarations in support of motions to seal  
22 filed by other parties based on its confidentiality designations.  
23 In this case, the material was limited and the Court was able to  
24 determine that the declaration MotionPoint filed in support of its  
25 own motion applied equally to TransPerfect's motion. However,  
26 this will not always be the case.

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1 II. Docket No. 566

2 TransPerfect has also filed a motion to file under seal  
3 unredacted versions of Exhibits 1-3, 5 and 6 to the declaration of  
4 Gabriel Gross filed in support of TransPerfect's objections and  
5 response to MotionPoint's calculation of post-verdict royalties.  
6 TransPerfect states that these documents contain information  
7 designated by MotionPoint as confidential.

8 Because the public interest favors filing all court documents  
9 in the public record, any party seeking to file a document under  
10 seal must demonstrate good cause to do so. This cannot be  
11 established simply by showing that the information has been  
12 designated as confidential, but rather must be supported by a  
13 sworn declaration demonstrating with particularity the need to  
14 file each document under seal. See Local Rule 79-5(a). If a  
15 party wishes to file a document that has been designated as  
16 confidential by another party or to refer to such information in a  
17 memorandum or other filing, it is required to file and serve an  
18 administrative motion seeking a sealing order. See Local Rule 79-  
19 5(d). The designating party then must file a declaration  
20 establishing that the document is sealable within four days  
21 thereafter. See Local Rule 79-5(e).

22 MotionPoint has not filed a declaration in support of the  
23 motion to seal as required by Civil Local Rule 79-5(e).  
24 Accordingly, the Court DENIES TransPerfect's motions to seal  
25 (Docket No. 566). Within four days of the date of this order,  
26 MotionPoint shall file these exhibits to the declaration in the  
27 public record.

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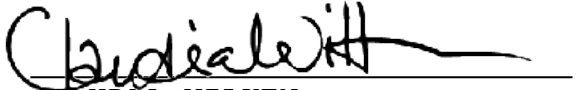
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CONCLUSION

For the reasons stated above, the Court GRANTS the motions to seal at Docket Numbers 559 and 561 and DENIES the motion to seal at Docket Number 566.

IT IS SO ORDERED.

Dated: December 16, 2014

  
CLAUDIA WILKEN  
United States District Judge