

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

3  
4 ADOBE SYSTEMS INCORPORATED,

No. C 10-2769 CW

5                                    Plaintiff,

ORDER GRANTING

MOTION TO FILE

UNDER SEAL

(Docket No. 139)

6                                    v.

7 HOOPS ENTERPRISE LLC; and ANTHONY  
8 KORNRUMPF,

9                                    Defendants.

10 \_\_\_\_\_/  
11 AND ALL RELATED CLAIMS  
12 \_\_\_\_\_/

13                                    Defendants and Counter-claimants Hoops Enterprise LLC and  
14 Anthony Kornrumpf seek to file under seal their unredacted  
15 opposition to Plaintiff Adobe Systems Incorporated's Motion for  
16 Partial Summary Judgment, as well as Exhibits C, F, G, H, I, K and  
17 L to their Opposition. The Court notes that Defendants have filed  
18 a redacted version of their opposition in the public record.

19 Defendants represent that the Court has previously granted leave  
20 to file Exhibit C under seal. Defendants also represent that  
21 Plaintiff has designated Exhibits F, G, H, I, K and L as  
22 confidential pursuant to the protective order in this case, and  
23 that Defendants quote these exhibits in their opposition.

24                                    Defendants' filings are connected to a dispositive motion.  
25 Because Plaintiff has designated the documents at issue as  
26 confidential, it must file a declaration establishing that the  
27 documents are sealable. Civil Local Rule 79-5(d). To do so,  
28

1 Plaintiff "must overcome a strong presumption of access by showing  
2 that 'compelling reasons supported by specific factual findings .  
3 . . . outweigh the general history of access and the public policies  
4 favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d  
5 665, 679 (9th Cir. 2010) (citation omitted). This cannot be  
6 established simply by showing that the document is subject to a  
7 protective order or by stating in general terms that the material  
8 is considered to be confidential, but rather must be supported by  
9 a sworn declaration demonstrating with particularity the need to  
10 file each document under seal. Civil Local Rule 79-5(a).

11 In support of Defendants' motion, Plaintiff has filed a  
12 declaration stating that the exhibits in question contain  
13 "contract terms and language that is used by Adobe in its current  
14 contracts with authorized distributors . . . protected by separate  
15 confidentiality provisions" with these distributors, and that  
16 public disclosure of these confidential terms would reveal  
17 "Adobe's internal workings and trade secrets regarding a core  
18 aspect of its business." Drey Decl. ¶ 3.

19 The parties have provided compelling reasons to seal  
20 Defendants' unredacted opposition to Plaintiff's Motion for  
21 Partial Summary Judgment, as well as Exhibits C, F, G, H, I, K and  
22 L to its Opposition. Accordingly, Defendants' motion to seal is  
23 GRANTED (Docket No. 139). Within four days of the date of this  
24 Order, Defendants shall file these documents under seal.

25 IT IS SO ORDERED.

26  
27 Dated: 1/4/2012

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\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge