

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

3
4 POWERTECH TECHNOLOGY, INC.,

No. C 11-6121 CW

5 Plaintiff,

ORDER GRANTING
ADMINISTRATIVE
MOTION TO FILE
UNDER SEAL

6 v.

(Docket No. 5)

7 TESSERA, INC.,

8 Defendant.

9 _____/

10 Plaintiff Powertech Technology, Inc. seeks leave to file
11 Appendices A and G to its Complaint under seal. Plaintiff states
12 that Appendix A contains the Tessera Compliant Chip License
13 Agreement (TCC License) and that Appendix G contains a letter from
14 Plaintiff to Defendant that quotes extensively from the TCC
15 license. Heath Decl. ¶¶ 3-4. Plaintiff attests that both parties
16 consider the documents confidential, that the TCC License and
17 letter quoting from it contain proprietary information, including
18 the amount of royalties that Plaintiff pays to Defendant, and that
19 disclosure of this information would harm Plaintiff by giving
20 Plaintiff's competitors this confidential information. Id. at
21 ¶ 3.

22 Plaintiff's filings are connected to a dispositive pleading.
23 To establish that the documents are sealable, Plaintiff "must
24 overcome a strong presumption of access by showing that
25 'compelling reasons supported by specific factual findings . . .
26 outweigh the general history of access and the public policies
27 favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d
28 665, 679 (9th Cir. 2010) (citation omitted). This cannot be

1 established simply by showing that the document is subject to a
2 protective order or by stating in general terms that the material
3 is considered to be confidential, but rather must be supported by
4 a sworn declaration demonstrating with particularity the need to
5 file each document under seal. Civil Local Rule 79-5(a).

6 Plaintiff has provided reasons supporting the sealing of the
7 Appendices A and G to its Complaint. Accordingly, Plaintiff's
8 motion for leave to file documents under seal is GRANTED (Docket
9 No. 5). Within three days of the date of this Order, Plaintiff
10 shall electronically file Appendices A and G to its Complaint
11 under seal, in accordance with General Order 62.

12 IT IS SO ORDERED.

13
14 Dated: 1/4/2012

15
16
17
18
19
20
21
22
23
24
25
26
27
28


CLAUDIA WILKEN
United States District Judge