

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

3
4 POWERTECH TECHNOLOGY INC., a
5 Taiwanese corporation,

6 Plaintiff,

7 v.

8 TESSERA, INC., a Delaware
9 corporation,

10 Defendant.

No. C 11-6121 CW

ORDER GRANTING
ADMINISTRATIVE
MOTIONS TO FILE
UNDER SEAL AND
DENYING PARTIES'
STIPULATIONS FOR
LEAVE TO FILE
UNDER SEAL
(Docket Nos. 40,
47 and 49)

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United States District Court
For the Northern District of California

12 Plaintiff Powertech Technology, Inc. has filed a motion to
13 seeking to file under seal its unredacted opposition to Defendant
14 Tessera, Inc.'s motion to dismiss and to strike, as well as the
15 unredacted declaration of C.C. Liao, which Plaintiff has submitted
16 in support of its opposition. Docket No. 40. Defendant Tessera,
17 Inc. has also filed a motion seeking to file under seal its
18 unredacted reply in further support of its motion, as well as
19 Exhibit 19 to the supplemental declaration of Nathan Lowenstein,
20 which Defendant submitted in support of its reply. Docket No. 47.
21 The Court notes that the parties have filed redacted versions of
22 the opposition, the Liao Declaration and the reply in the public
23 record. See Docket Nos. 41, 41-1 and 50. The parties have also
24 filed two stipulations agreeing to the sealing of these documents.
25 Docket Nos. 40-2 and 49.

26 The parties represent that the portions of the opposition,
27 reply and the Liao Declaration discuss and quote from exhibits
28 that this Court has previously granted permission to file under

1 seal in this case, including the license agreement between the
2 parties and communications between the parties regarding this
3 agreement. See Docket Nos. 26 and 29. Defendant further
4 represents that Exhibit 19 contains confidential business
5 communications between the parties discussing their licensing
6 relationship and is similar in type and content to the other
7 documents previously filed under seal.

8 The parties' filings are connected to a dispositive motion.
9 To establish that the documents are sealable, they "must overcome
10 a strong presumption of access by showing that 'compelling reasons
11 supported by specific factual findings . . . outweigh the general
12 history of access and the public policies favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679 (9th Cir. 2010)
13 (citation omitted). This cannot be established simply by showing
14 that the document is subject to a protective order or by stating
15 in general terms that the material is considered to be
16 confidential, but rather must be supported by a sworn declaration
17 demonstrating with particularity the need to file each document
18 under seal. Civil Local Rule 79-5(a).

20 Documents cannot be sealed based upon a stipulation. See id.
21 Thus, the parties' stipulations are DECLINED (Docket Nos. 40-2 and
22 49).

23 The parties, however, have provided reasons supporting the
24 sealing of the documents. Accordingly, the parties' motions for
25 leave to file documents under seal are GRANTED (Docket Nos. 40 and
26 47). Within three days of the date of this Order, Plaintiff shall
27 electronically file under seal its unredacted opposition and the
28 unredacted Liao Declaration, and Defendant shall electronically

1 file under seal its unredacted reply and Exhibit 19 to the
2 supplemental declaration of Nathan Lowenstein, in accordance with
3 General Order 62.

4 IT IS SO ORDERED.

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6 Dated: 1/30/2012

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8 CLAUDIA WILKEN
9 United States District Judge
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