

United States District Court  
For the Northern District of California

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

LINEX TECHNOLOGIES, INC.,  
Plaintiff,  
v.  
HEWLETT-PACKARD, et al.,  
Defendants,

No. C 13-00159 CW  
ORDER ADDRESSING  
MOTIONS TO SEAL  
(Docket Nos. 197,  
201, and 208)

\_\_\_\_\_  
AND ALL RELATED CLAIMS,  
COUNTERCLAIMS AND THIRD-PARTY  
CLAIMS  
\_\_\_\_\_

The Court addresses the pending motions to seal in the above captioned cases as follows:

I. Docket Nos. 197 and 208:

Plaintiff Linex Technologies, Inc. has moved to file under seal Exhibits 11-15, 17-21, 23-26, 28-31, 33-41, 43-47, 49-52, 54-57, and 59-67 attached to the Declaration of Robert McCauley in support of its motion for leave to amend infringement contentions. Docket No. 197. Linex states that these exhibits contain information designated by Defendants as confidential business information pursuant to a protective order. Linex also moved to seal Exhibit 70 attached to the Declaration of Robert M. McCauley in support of its reply in support of its motion to amend infringement contentions and opposition to Defendants' motion to strike its motion to amend infringement contentions. Docket No.

1 208. Linex again states that Exhibit 70 contains information  
2 designated by Defendants as confidential business information  
3 pursuant to a protective order.

4 Because the public interest favors filing all court documents  
5 in the public record, any party seeking to file a document under  
6 seal must demonstrate good cause to do so. This cannot be  
7 established simply by showing that the document is subject to a  
8 protective order, but rather must be supported by a sworn  
9 declaration demonstrating with particularity the need to file each  
10 document under seal. See Local Rule 79-5(a). If a party wishes  
11 to file a document that has been designated as confidential by  
12 another party or to refer to such information in a memorandum or  
13 other filing, it is required to file and serve an administrative  
14 motion seeking a sealing order. See Local Rule 79-5(d). The  
15 designating party then must file a declaration establishing that  
16 the document is sealable within four days thereafter. See Local  
17 Rule 79-5(e).  
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20 Defendants have not filed a declaration in support of the  
21 motion to seal as required by Civil Local Rule 79-5(e).  
22 Accordingly, the Court DENIES Linex's motions to seal (Docket Nos.  
23 197, 208). Within four days of the date of this order, Linex  
24 shall file these exhibits to the declaration in the public record.

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26 II. Docket No. 201

27 Apple moves on behalf of all Defendants and Intervenors to  
28 file under seal Exhibits 1 and 6 attached to the Declaration of

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Mark Scarsi. Docket No. 201. Apple submitted a declaration in support of its motion to seal. Docket No. 201. In its declaration in support of the motion to seal, Apple represents that Exhibits 1 and 6 contain proprietary information of Defendants and third-party suppliers, and such material has been designated as confidential business information. Scarsi Dec., Docket No. 201. Because these exhibits contain proprietary information regarding Defendants' technology, Apple's motion to seal is GRANTED (Docket No. 201).

IT IS SO ORDERED.

Dated: 11/21/2013

  
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CLAUDIA WILKEN  
United States District Judge