

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

3
4 LINEX TECHNOLOGIES, INC.,

No. C 13-159 CW

5 Plaintiff,

ORDER ON
ADMINISTRATIVE
MOTIONS TO SEAL

6 v.

7 HEWLETT-PACKARD COMPANY, APPLE
8 COMPUTER INC., ARUBA NETWORKS,
9 INC., MERU NETWORKS, INC., RUCKUS
WIRELESS, INC.,

(Docket Nos. 273,
283, 330)

10 Defendants.

11 _____/

12 Before the Court are three administrative motions to seal.
13 Because they seek to seal documents submitted in conjunction with
14 claim construction and summary judgment, the parties must
15 establish "compelling reasons" outweighing the strong presumption
16 in favor of public disclosure. Kamakana v. City & Cnty. of
17 Honolulu, 447 F.3d 1172, 1180 (9th Cir. 2006). For ease of
18 reference, the Court refers to these motions by docket number.

19 A. Docket No. 273

20 Linex seeks to seal portions of its Opposition to Motion
21 for Summary Judgment and Claim Construction Reply Brief, as well
22 as the accompanying Supplemental Prucnal Declaration discussing
23 Defendants' accused wifi devices. As the designating parties,
24 Defendants are responsible for supporting the motion with a
25 declaration establishing that the material is sealable. Civ.
26 L.R. 79-5(e).
27
28

1 Defendants state only that the information is "confidential,
2 technical information regarding Defendants' products" and that
3 "public disclosure of this information would be harmful." Docket
4 No. 277. But the portions sought to be redacted discuss
5 Defendants' accused devices at a high level. Further, the
6 functionality discussed is covered by the IEEE 802.11(n) standard,
7 which is published in the public domain. The motion also is not
8 narrowly tailored to cover only sealable information; for example,
9 the fact that the standard uses P codes and pilot codes is plainly
10 not sealable. The arguments made distinguishing prior art
11 references (which are by definition public) are also not sealable.
12 Accordingly, this motion is DENIED.

13 B. Docket No. 283

14 Defendants seek to seal portions of their Reply in Support of
15 Motion for Summary Judgment and the accompanying Exhibit 30, the
16 deposition transcript of Donald L. Schilling. In support,
17 Defendants filed a declaration asserting conclusorily that these
18 documents discuss "confidential, technical information regarding
19 Defendants' products." Docket No. 283-1. The deposition
20 transcript discusses many subjects and the request to seal is not
21 narrowly tailored to redact only confidential information. In any
22 event, what is sought to be sealed in both the deposition
23 transcript and Reply Brief is broad descriptions of the basic
24 functionality of the IEEE 802.11(n) standard and thus not
25 sealable. Defendants even seek to seal excerpts from the patents-
26 in-suit, which Defendants cannot in good faith assert are
27 sealable. See, e.g., e.g., Defendant's Reply Brief at 15. This
28 motion is therefore DENIED.

1 C. Docket No. 330

2 Defendants seek to seal the Corrected Declaration of Dr.
3 Anthony Acampora. Because this declaration was filed improperly,
4 after the matter was already submitted, the Court did not consider
5 it. The motion is therefore DENIED AS MOOT.

6 The parties shall file unredacted versions of the documents
7 referenced in Docket Nos. 273 and 283 in the public record within
8 seven days.

9 IT IS SO ORDERED.

10 Dated: 6/4/2014

11 
CLAUDIA WILKEN
United States District Judge