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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re: HP INKJET PRINTER LITIGATION

Master File No. C05-3580 JF

This Document Relates To:

All Actions

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO SEAL PURSUANT TO
LOCAL RULE 79-5(d)**

The Administrative Motion of Plaintiffs pursuant to Civ. L.R. 79-5 (the "Motion") and the related Declaration of Angelique Kaounis (with exhibits) pursuant to Civ. L.R. 79-5(d) (the "Declaration") came before this Court for determination in connection with Plaintiffs' Motion for Class Certification. After consideration of the Motion and the Declaration, the Protective Order agreed to by the parties, the Court's files and records in this matter, and compelling reasons appearing therefore,

1 IT IS HEREBY ORDERED that the Motion is GRANTED in part, as follows:

2 **The Exhibits to Plaintiffs' Motion for Class Certification**

3 The following Exhibits attached to Plaintiffs' Motion for Class Certification are to be filed and
4 made part of the public record within the next ten (10) days:

- 5 • Exhibit "A" (Chart);
- 6 • Exhibit "D" (Excerpts from Deposition of Corlene Ankrum);
- 7 • Exhibit 26 to Headrick Deposition (Chart);
- 8 • Exhibit "Y" (Fact Sheet)
- 9 • Exhibit "AA" (Print Screen)

10 In addition, Plaintiffs are directed to redact only those portions of Exhibits "B" and "C" which
11 have been previously designated by HP as "Restricted Information" or "Restricted Outside Counsel
12 Only Information," and to file a copy of the redacted versions of those Exhibits within the next ten
13 (10) days. All of the remaining Exhibits attached to Plaintiff's Motion for Class Certification and
14 which were originally lodged under seal are to remain filed under seal because they reflect
15 confidential business information, the disclosure of which threatens to put HP at a competitive
16 disadvantage and cause it harm with respect to its competitors and customers.

17 **Plaintiffs' Expert Report**

18 Plaintiffs filed the entirety of their Expert Report ("Document No. 9" of their "Compilation of
19 Named Plaintiffs' Declarations and Expert Reports in Support of Plaintiffs' Motion for Class
20 Certification") under seal. The following portions of the Expert Report are to be redacted because
21 they reflect confidential business information, the disclosure of which threatens to put HP at a
22 competitive disadvantage and cause it harm with respect to its competitors and customers:

- 23 • The passage and quotations on page 3, starting with "According to Robert Headrick"
24 and ending with "99.9% of the time."

- The passage and quotations on page 3, starting with "First" and ending on page 4, with the phrase "since in the vast majority of case[s]..."
- The passage starting on page 5 with the phrase "Matt Sheppard in page 2" and ending on page 5 with a quotation from Mr. Sheppard's paper.
- The passage in the report beginning on page 7 with "Examining of *iCare* Cases" and ending with "still saying low ink."
- The passage in the report beginning on page 7 with "An empirical study" and ending with the "supply is low."

The redacted version of the Expert Report is to be filed with the Court within the next ten (10) days.

Plaintiff's Motion for Class Certification

Plaintiffs filed a redacted copy of their Motion for Class Certification with the Court, noting that the redactions in the Motion for Class Certification corresponded with information taken from the Exhibits and Expert Report discussed above (all of which were themselves filed under seal). Accordingly, Plaintiffs are to file a newly redacted version of their Motion for Class Certification in the next ten (10) days that: (a) reflects the filing of Exhibits "A", "D", 26 to the Headrick Deposition, "Y" and "AA" as called for in this Order; and (b) accounts for the limited number of redactions that need to be made in: (i) the Expert Report; (ii) Exhibit "B" (Headrick Deposition); and (iii) Exhibit "C" (Helterline Deposition). Any parts of the Motion for Class Certification that quote from, rely upon, or take information directly from any documents or passages that the Court has ordered be kept under seal in this Order are to remain redacted.

Dated: 4/9, 2009



Honorable Jeremy Fogel
United States District Judge