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 International Business Machines Corporation

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

12 RSI CORP., dba RESPONSIVE SYSTEMS  
 COMPANY, a New Jersey corporation,

13 Plaintiff,

14 vs.

15 INTERNATIONAL BUSINESS MACHINES  
 16 CORPORATION; and DOES DEFENDANTS  
 1-20,

17 Defendants.

CASE NO. 5:08-cv-3414 RMW (PVT)

AMENDED

**[PROPOSED] ORDER ON  
 ADMINISTRATIVE MOTION TO FILE  
 UNDER SEAL:**

**CONFIDENTIAL IBM INFORMATION  
 IN RSI'S OPPOSITION TO IBM'S THIRD  
 MOTION FOR SUMMARY JUDGMENT**

Complaint Date: February 15, 2008

Trial Date: March 18, 2013

21 This amends the previous sealing order, Dkt. No. 392.

22 Plaintiff has submitted an administrative request to seal portions of its Opposition to  
 23 IBM's Third Motion for Summary Judgment (Dkt. # 283). The request is made on the basis that  
 24 the material sought to be sealed reflect information designated by Defendant International  
 25 Business Machines Corporation as Protected Material pursuant to the Stipulated Protective Order  
 26 entered on September 23, 2010 (Dkt. #91).


1 Pursuant to Civ. L. R. 79-5(d), Defendant IBM has submitted a declaration establishing  
2 that portions of RSI's Opposition to IBM's Third Motion for Summary Judgment and associated  
3 papers (Dkt. # 278 through Dkt. #281), contain sealable information.

4 Good cause appearing, the Court **GRANTS** ~~IBM's~~ <sup>RSI's</sup> Motion for Administrative Relief To  
5 Dkt. No. 283, as to the documents listed below  
6 File Under Seal and **ORDERS** that the following portions of the Motion to Strike be filed under  
7 seal:

Document to Seal	Portions Accepted Under Seal
RSI's Opposition to IBM's Third Motion for Summary Judgment (Dkt. # 278)	Portions of 11;15 and 11:16
Declaration of Martin Hubel (Dkt. # 279)	Portions of 3:5-6 and 3:25-26
Hubel Declaration Ex. A	Portions of ¶¶ 44, 53-57, 107, 110-11, 113-14
Hubel Declaration Ex. B	The entirety of the document
Hubel Declaration Ex. C	The entirety of the document
Hubel Declaration Ex. D	The entirety of the document
Hubel Declaration Ex. E	The entirety of the document
Hubel Declaration Ex. F	The entirety of the document
Hubel Declaration Ex. G	The entirety of the document
Hubel Declaration Ex. H	The entirety of the document
Hubel Declaration Ex. I	The entirety of the document
Hubel Declaration Ex. J	The entirety of the document
Hubel Declaration Ex. K	The entirety of the document
Hubel Declaration Ex. L	The entirety of the document
Hubel Declaration Ex. M	The entirety of the document
Hubel Declaration Ex. N	The entirety of the document
Hubel Declaration Ex. O	The entirety of the document
Declaration of Pamela Schultz (Dkt. #281)	Portions of 6:7
Schultz Declaration Ex. A	The entirety of the document
Schultz Declaration Ex. C	The entirety of the document
Schultz Declaration Ex. D	The entirety of the document

20 The court denies RSI's motion to seal, Dkt. No. 283, as to the other documents.

21 DATED: April 17, 2013

22   
23 The Honorable Ronald M. Whyte  
24 United States District Judge