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E-Filed 5/29/09

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

INTEL CORPORATION, a Delaware Corporation,

Plaintiff,

v.

AMERICAN GUARANTEE AND LIABILITY
INSURANCE COMPANY, a New York
Corporation,

Defendant.

Case No. C09-00299-JF

ORDER¹ GRANTING IN PART AND
DENYING IN PART PLAINTIFF’S
MOTION TO SEAL

[Docket No. 44, 49]

On May 8, 2009, Plaintiff Intel Corporation (“Intel”) moved to seal certain portions of its Memorandum of Points and Authorities in Opposition to Defendant’s Motion to Dismiss or Stay the First Amended Complaint and of the accompanying declaration of Diane Labrador. Intel argues that portions of these documents should be sealed because they contain information about Intel’s proprietary insurance program and about a confidential settlement between Intel and third party XL Insurance America, Inc. (“XL”). On May 15, 2009, Defendant American Guarantee and Liability Insurance Company (“AGLI”) filed partial opposition to the motion, arguing that

¹ This disposition is not designated for publication in the official reports.

1 Intel's insurance program is not privileged or otherwise protectable by law. AGLI does not
2 oppose sealing of the Intel-XL settlement.

3 Under Civil Local Rule 79-5 ("Rule 79-5"), only information that is "privileged or
4 protectable as a trade secret or otherwise entitled to protection under the law" may be sealed.
5 Rule 79-5(a). Moreover, a motion to seal documents "must be narrowly tailored to seek sealing
6 only of sealable material." *Id.* Intel has not established that the information concerning its
7 insurance program is privileged or protectable as a trade secret or on any other basis. As AGLI
8 points out, Intel already has disclosed the same information it now wishes to have sealed both in
9 its complaint in the instant action (Docket #1, Part 1) and in its complaint against XL in state
10 court. *Intel Corporation v. XL Insurance America, Inc.*, Santa Clara Superior Court case no. 1-
11 06-CV-061620. Good cause therefore appearing, the motion to seal is granted in part and denied
12 in part as set forth above.

13
14 DATED: May 29, 2009

15
16 
17 JEREMY FOGEL
18 United States District Judge

1 Copies of Order served on:

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