

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GENENTECH, INC.,)	Case No.: 10-CV-02037-LHK
)	
Plaintiff,)	
v.)	
)	ORDER REGARDING
THE TRUSTEES OF THE UNIVERSITY OF)	ADMINISTRATIVE REQUEST FOR
PENNSYLVANIA, A PENNSYLVANIA NON-)	SEALING
PROFIT CORPORATION,)	
)	
Defendant.)	

Genentech has submitted a request to seal portions of its Motion to File First Amended Complaint and First Amended Answer, certain exhibits appended to the Motion, and portions of the First Amended Complaint and Answer, on the basis that these materials cite information produced by Defendant (U Penn) and marked Highly Confidential. *See* Dkt. No. 116. U Penn submitted a declaration stating that the documents Genentech seeks to seal were properly designated as Highly Confidential. *See* Dkt. No. 120. Genentech’s request is granted as to Exhibits B, C, O and D and as to proposed redactions citing these materials. However, Exhibits K, L and M appear to be letters between third-parties and U Penn providing critiques of manuscripts intended for publication. The Protective Order states that Highly Confidential information is “extremely sensitive ‘Confidential Information or Items,’ disclosure of which to another Party or Non-Party would create a substantial risk of serious harm that could not be avoided by less

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restrictive means.” Protective Order at § 2.8. U Penn does not state that there was a confidentiality agreement or other basis for U Penn to have a reasonable expectation of confidentiality regarding these communications. Accordingly, the Court requires additional information regarding the basis for marking these documents Highly Confidential under the Protective Order before the request for sealing can be granted.

U Penn shall submit additional information supporting its designation of these documents as Highly Confidential, or a declaration stating that this designation has been removed, by Monday, March 7, 2011.

IT IS SO ORDERED.

Dated: March 2, 2011



LUCY H. KOH
United States District Judge