

1 MATTHEW L. WOODS, Esq., *pro hac vice*
mlwoods@rkmc.com
 2 STACEY P. SLAUGHTER, Esq., *pro hac vice*
spslaughter@rkmc.com
 3 ROBINS, KAPLAN, MILLER & CIRESI LLP
 800 LaSalle Avenue
 4 2800 LaSalle Plaza
 Minneapolis, MN 55402
 5 Telephone: (612) 349-8500
 Facsimile: (612) 339-4181

6 DANIEL J. BERGESON, Bar No. 105439
dbergeson@be-law.com
 7 MELINDA M. MORTON, Bar No. 209373
mmorton@be-law.com
 8 BERGESON, LLP
 9 303 Almaden Boulevard, Suite 500
 San Jose, CA 95110-2712
 10 Telephone: (408) 291-6200
 Facsimile: (408) 297-6000

11 Attorneys for Defendant
 12 THE TORO COMPANY

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 DIGITAL SUN, a California corporation,
 17
 Plaintiff,
 18
 vs.
 19 THE TORO COMPANY, a Delaware
 20 corporation,
 21 Defendant.

Case No. CV10-04567 LHK
**~~PROPOSED~~ ORDER GRANTING
 DEFENDANT'S ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL**
 Hon. Judge Lucy H. Koh
 Courtroom 4, 5th Floor
 Complaint Filed: October 8, 2010
 Trial Date: None set

1 Now before the Court is Defendant the Toro Company's ("Toro") Administrative Motion
2 for Leave to File Certain Portions of Its Motion to Dismiss Under Seal. Upon consideration of the
3 Administrative Motion for Leave to File Documents Under Seal, the Stipulation and the
4 supporting declaration of Melinda M. Morton filed therewith, the Court finds there to be good
5 cause for granting Defendant's request to file documents under seal.

6 GOOD CAUSE having been shown, the Court finds that:

- 7 1. The parties possess overriding confidentiality interests that overcome the
8 right of public access to the record in the following document(s):
 - 9 a. Portions of pages 3, 4, 5, 6, 7, 12, 14, 18, 21, 22, 23, and 24 of Toro's
10 Memorandum of Points and Authorities in Support of the Motion to
11 Dismiss; and
 - 12 b. Exhibit Nos. 1-8 to the Declaration of Matthew L. Woods in Support of
13 Toro's Request for Judicial Notice.
- 14 2. The parties' overriding confidentiality interests support sealing the record;
- 15 3. A substantial probability exists that the parties' overriding confidentiality
16 interests will be prejudiced if the record is not sealed;
- 17 4. The proposed sealing is narrowly tailored; and
- 18 5. No less restrictive means exist to achieve this overriding interest.

19 IT IS THEREFORE ORDERED that Toro's Motion for Leave to File Documents Under
20 Seal is GRANTED.

21
22 **IT IS SO ORDERED.**

23 DATED: _____ January 7, 2011


UNITED STATES DISTRICT JUDGE
The Honorable Lucy H. Koh