

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILED on 5/21/13

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

REALTEK SEMICONDUCTOR CORPORATION,

Plaintiff,

v.

LSI CORPORATION, et al.,

Defendants.

No. C-12-03451 RMW

ORDER DENYING ADMINISTRATIVE MOTION FOR ORDER PERMITTING THE FILING UNDER SEAL OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO STAY AND RELATED DOCUMENTS

[Re: Dkt. No. 82]

Plaintiff Realtek Semiconductor Corporation ("Realtek") submitted a request to file under seal: (1) designated portions of its Opposition to Defendants' Motion to Stay; and (2) designated portions of the Declaration of James A. Daire ("Daire Decl.") in support of its opposition and Exhibits D-H thereto.

The plaintiff's request is based—in large part—on the defendants' designation of the material as "Confidential and/or Highly Confidential – Attorneys' Eyes Only" under the terms of the Protective Order. Dkt. No. 82 at 1. Under the local rule, however, "[a] stipulation, or a blanket protective order that allows a party to designate documents as sealable, will not suffice to allow the filing of

1 documents under seal" for that reason alone. Civ. L.R. 79-5(a). With respect to the documents
2 designated by defendants as confidential in the protective order, the court does not believe that they
3 are in fact "privileged or protectable as a trade secret or otherwise entitled to protection under the
4 law." *Id.* Moreover, the court has already denied defendants' motion to seal the vast majority of this
5 material in its earlier sealing motions. *See* Dkt. Nos. 90, 91, 97, 98.

6 With respect to Exhibit F to the Daire Decl., the court does not believe that Realtek's request
7 for a RAND license proposal from defendants after the ITC litigation commenced is confidential for
8 the purposes of this motion.

9 The court has already permitted the filing under seal of Exhibit G to the Daire Decl.

10 The court hereby:

11 1. DENIES Realtek's motion to seal the designated portions of its Opposition to Defendants'
12 Motion to Stay;

13 2. DENIES Realtek's motion to seal designated portions of the Declaration of James A. Daire
14 ("Daire Decl.") in support of its opposition and Exhibits D-F and H thereto; and

15 3. GRANTS Realtek's motion to seal Exhibit G to the Daire Decl.

16 In the event the defendant's failure to file the required declaration was in error, or Realtek
17 can offer a narrowly tailored sealing request explaining why its designated materials are in fact
18 "privileged or protectable as a trade secret or otherwise entitled to protection under the law," the
19 court gives the parties until May 29, 2013 to file a narrowly tailored proposed sealing request with
20 respect to the documents above. Otherwise, the proposed filings not sealed above will be made part
21 of the public record.

22

23

24 DATED: May 21, 2013


RONALD M. WHYTE
United States District Judge

25

26

27

28