

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

GSI TECHNOLOGY, INC., a Delaware Corporation)	Case No.: C 13-1081 PSG
)	
Plaintiff,)	ORDER RE: ADMINISTRATIVE MOTION TO SEAL
v.)	(Re: Docket No. 95)
UNITED MEMORIES, INC., a Colorado Corporation,)	
)	
Defendant.)	
)	

Plaintiff GSI Technology, Inc.’s (“GSI”) moved to seal exhibits BJ, BK, BH, BI, and BL attached to its preliminary injunction reply brief, which contained information designated as confidential by Defendant United Memories, Inc. (“UMI”), third party Integrated Silicon Solutions, Inc. (“ISSI”), and third party Cisco Systems, Inc. (“Cisco”).¹ The court granted the motion as to Exhibits BI and BL, but denied sealing all other exhibits, noting that the designating parties failed to file an appropriate and timely responsive declaration supporting the motion.² However, it has come to the court’s attention that the court was mistaken, in that Cisco and UMI did file

¹ See Docket No. 95.

² See Docket No. 133.

1 declarations addressing these other exhibits.³ The court apologizes for its oversight and now
2 evaluates whether Cisco and UMI have proven that sealing Exhibits BH, BJ, and BK is warranted.

3 Under Local Rule 79-5, a sealing order is appropriate only upon request that establishes the
4 document is “sealable,” or “privileged or protectable as a trade secret or otherwise entitled to
5 protection under the law.”⁴ When the submitting party has filed an administrative motion to
6 comply with a stipulated protective order, the designating party must within 7 days file a
7 supporting declaration establishing the document is “sealable” and a narrowly-tailored proposed
8 order.⁵ Parties seeking to seal judicial records relating to dispositive motions bear the burden of
9 overcoming the presumption with “compelling reasons” that outweigh the general history of access
10 and the public policies favoring disclosure.⁶ Compelling reasons exist when documents contain
11 potential trade secrets or business information that if released might harm the owner’s competitive
12 standing.⁷

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14 Exhibits BJ and BK are deposition transcripts describing the role of UMI’s president in the
15 company and its relationship with ProMos. UMI asserts this is “extremely sensitive” business
16 information.⁸ It is extremely doubtful, however, that this information is at all confidential; in fact,
17 the same information describing UMI’s relationship with ProMos is described in the unredacted
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22 ³ See Docket No. 116, 118.

23 ⁴ Civ. L.R. 79-5(a).

24 ⁵ Id. 79-5(d).

25 ⁶ *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006).

26 ⁷ *Apple, Inc. v. Samsung Electronics Co., Ltd.*, Case No. 11-CV-01846-LHK, 2012 WL 3283478
27 (N.D. Cal. Aug. 9, 2012).

28 ⁸ Docket No. 116.

1 complaint in this case.⁹ In any event, no compelling reasons exist for sealing these transcript
2 excerpts. The requests to seal Exhibits BJ and BK are DENIED.

3 Exhibit BH is a deposition transcript describing Cisco's relationship with Renesas, UMI,
4 GSI, and ISSI, as well as the fact that these parties convened at certain meetings. Cisco claims that
5 this is "confidential and proprietary information relating to Cisco's business," the disclosure of
6 which would harm Cisco.¹⁰ These allegations are again simply not credible because almost all of
7 this information has already been disclosed in the complaint and the papers filed publicly in this
8 case. More importantly, Cisco has not shown how disclosure of the mere fact that Cisco convened
9 with these parties at meetings would harm Cisco competitively, let alone meet the "compelling
10 reasons" standard. The request to seal exhibit BH also must be DENIED.

12 GSI shall file unredacted versions of these documents no later than July 19, 2013.

13 IT IS SO ORDERED.

14 Dated: July 11, 2013

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17 PAUL S. GREWAL
18 United States Magistrate Judge

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⁹ See Docket No. 1.

¹⁰ Docket No. 118.