

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 GOOGLE INC.,

No. C 13-5933 CW

5 Plaintiff,

ORDER ON MOTIONS
TO SEAL

6 v.

(Docket Nos. 19,
30, 39)

7 ROCKSTAR CONSORTIUM U.S. LP,
8 MOBILESTAR TECHNOLOGIES, LLC,

9 Defendants.

10 _____/

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12 Before the Court are various motions to seal filed by
13 Plaintiff Google, Inc. and Defendants Rockstar Consortium U.S. LP
14 and MobileStar Technologies, LLC that are related to Defendants'
15 motion to dismiss. The Court GRANTS the motions to seal, but only
16 in part.

17 Under Civil Local Rule 79-5, a document may be filed under
18 seal only if a party establishes that the portions sought to be
19 sealed "are privileged, protectable as a trade secret or otherwise
20 entitled to protection under the law." Civ. L.R. 79-5(b). Any
21 sealing request must be narrowly tailored to cover only sealable
22 material. Id. The request must be supported by a declaration
23 establishing that the sealing is warranted. Id. subsection (b).

24 There is a "strong presumption of access to judicial
25 records," especially in the case of dispositive pleadings,
26 including motions to dismiss. Kamakana v. City & Cnty. of
27 Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006). This is because
28 dispositive motions are "at the heart of the interest in ensuring

1 the public's understanding of the judicial process and of
2 significant public events." Id. Parties seeking to seal
3 documents attached to dispositive motions must demonstrate
4 "compelling reasons" outweighing the strong presumption in favor
5 of public disclosure. Id. at 1180; Foltz v. State Farm Mut. Auto.
6 Ins. Co., 331 F.3d 1122, 1136 (9th Cir. 2003).

7 Defendants seek to redact certain portions of the Motion to
8 Dismiss and accompanying Dean Declaration. Pursuant to Civil
9 Local Rule 79-5(e), Google filed a motion to seal portions of its
10 Opposition corresponding to information Defendants sought to
11 redact. Defendants filed a supporting declaration substantially
12 similar to the declaration filed in support of their own motion.
13 Defendants also move to seal portions of their Reply containing
14 the same information.

15 Some of these portions discuss the locations of Defendants'
16 licensing meetings with Google and various other companies; broad
17 descriptions of the substance of some of Defendants' meetings; the
18 fact that Defendants inform parties of their infringement of
19 Defendants' patents, negotiate patent licenses, and receive
20 licensing revenue; and Defendants' operations and
21 employee/contractor relations. Defendants' declaration provides
22 two reasons that all of this information is sealable: (1) Rockstar
23 is bound by non-disclosure agreements with various non-parties to
24 keep this information confidential and (2) details of Rockstar's
25 licensing negotiations, including the names of the entities
26 negotiating with Rockstar, constitute "sensitive, confidential and
27 proprietary business information" that will harm Rockstar and
28 these non-party entities. In general, these are "broad

1 allegations of harm, unsubstantiated by specific examples or
2 articulated reasoning" that are not sufficient to establish even
3 good cause. Foltz, 331 F.3d at 1130. Defendants have failed to
4 establish that most of this information is sealable. Some of the
5 information, such as the fact that Rockstar is a patent licensing
6 operation, is not secret. The descriptions of licensing
7 negotiations that may be covered by nondisclosure agreements are
8 so vague that they are unlikely to violate those agreements. See
9 Afzal Decl. ¶ 21 (stating that Rockstar has met with or sent
10 notice letters to certain "entities outside of California to
11 discuss licensing of the patents-in-suit").

12 In an abundance of caution, the Court will permit the parties
13 to redact (1) the disclosed identities of entities that negotiated
14 with Defendants but are not parties to this suit and
15 (2) statements that specifically disclose the contents of
16 settlement discussions. See, e.g., Dean Decl. ¶¶ 13, 19-20. The
17 rest of the parties' motions is denied.

18 The parties must file in the public docket revised redacted
19 versions of these documents which comport with this order within
20 seven days.

21 IT IS SO ORDERED.

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Dated: 5/23/2014


CLAUDIA WILKEN
United States District Judge