

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIA TECHNOLOGIES, INC. (A
CALIFORNIA CORPORATION), et al.,

Plaintiffs,

v.

ASUS COMPUTER INTERNATIONAL, et
al.,

Defendants.

Case No.14-cv-03586-BLF (HRL)

**ORDER GRANTING
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Re: Dkt. No. 189

United States District Court
Northern District of California

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Plaintiffs Via Technologies, Inc. (California), Via Technologies, Inc. (Taiwan), and Via Labs, Inc. (together, "VIA"), have filed an administrative motion to file under seal certain exhibits attached to VIA's motion to amend its infringement contentions. Dkt. Nos. 189, 190. Defendants ASMedia Technology, Inc. ("ASMedia"), ASUS Computer International, and ASUSTeK Computer, Inc. (together, "Defendants"), filed a declaration in support of VIA's sealing motion. Dkt. No. 193. For the reasons explained below, the court grants the administrative motion to file under seal.

The courts recognize a common-law right of access to public records, and a strong presumption in favor of public access exists. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1134-35 (9th Cir. 2003). This right of access, however, is not absolute, and can be overridden. *Id.* at 1135. The party seeking to seal judicial records bears the burden of overcoming the presumption in favor of access. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006).

The court applies one of two standards in evaluating motions to seal: the lower good cause standard, which applies to non-dispositive matters, and the more stringent compelling reasons standard, which applies to dispositive matters. *See Luo v. Zynga, Inc.*, No. 13-cv-00186 NC, 2013


1 WL 5814763, at *1-2 (N.D. Cal., Oct. 29, 2013). A motion to amend infringement contentions is
2 a non-dispositive motion, and so the good cause standard applies here. *See Finjan Inc. v.*
3 *Proofpoint, Inc.*, No. 13-cv-05808, 2015 WL 9023164, at *2 (N.D. Cal. Dec. 16, 2015). Under the
4 good cause standard, the party must make a “particularized showing” that “specific prejudice or
5 harm will result” if the document is not filed under seal. *Id.* at *1 (quoting *San Jose Mercury*
6 *News, Inc. v. U.S. Dist. Court. N. Dist. (San Jose)*, 187 F.3d 1096, 1103 (9th Cir. 1999)).

7 The court has reviewed VIA’s sealing motion and the supporting declarations and finds
8 that good cause exists to seal Exhibit 4, Exhibit A to Exhibit 1, and Exhibit A to Exhibit 3. These
9 exhibits, containing copies of some of VIA’s infringement contention charts, include information
10 concerning the “internal operation and structures” of ASMedia’s products (specifically, they
11 contain analog schematic designs and the results of a reverse engineering). Dkt. No. 193, at ¶¶ 2-
12 7. ASMedia has shown that the disclosure of this information could cause it irreparable
13 competitive harm by giving its competitors insight and understanding into ASMedia’s products
14 and allowing them to incorporate aspects of ASMedia’s designs into their own competing
15 products. *Id.* Additionally, the court finds that Civil Local Rule 79-5(b)’s narrow tailoring
16 requirement is satisfied, as substantially all of the exhibits subject to the present motion contain
17 the sensitive information referenced above.

18 The court therefore grants the motion to seal Exhibit 4, Exhibit A to Exhibit 1, and Exhibit
19 A to Exhibit 3.

20 **IT IS SO ORDERED.**

21 Dated: 1/30/2017

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HOWARD R. LLOYD
United States Magistrate Judge