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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

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

Plaintiffs,

v.

ASUS COMPUTER INTERNATIONAL, et
al.,

Defendants.

Case No. 14-cv-03586-BLF

**ORDER GRANTING DEFENDANTS’
UNOPPOSED MOTION FOR LEAVE
TO REQUEST PARTIAL
RECONSIDERATION OF THE
COURT’S JULY 5, 2017 SEALING
ORDER**

[Re: ECF 298]

Defendants move pursuant to Civil Local Rule 7-9(b)(3) for leave to file a motion for partial reconsideration of the Court’s July 5, 2017 Omnibus Order Re: Administrative Motions to Seal Documents (“Order”). ECF 279.

The Court’s Order sealed all of the portions of Exhibit 7 to the Lee Declaration (ECF 265-11) identified by Defendants in the Declaration of Vid R. Bhakar in Support of Plaintiffs’ Administrative Motion to Seal (ECF 274). However, Defendants inadvertently did not include page 27, line 9 in their identification of sealable material. Supplemental Declaration of Vid R. Bhakar ¶¶ 3-4, ECF 298-1. Page 27, line 9 contains highly confidential and sensitive information about Defendants’ internal business and accounting practices concerning sensitive financial information of Defendants about R&D expenses and allocation of costs. *Id.* ¶¶ 6-8. Accordingly, Defendants seek leave to move for partial reconsideration so that the Court may, upon reconsideration, order that page 27, line 9 of Exhibit 7 to the Lee Declaration (ECF 265-11) remain under seal. Plaintiffs do not oppose this motion. Mot. 5, ECF 298.

Civil Local Rule 7-9(b)(3) permits reconsideration of an order where there is a “manifest failure by the Court to consider material facts or dispositive legal arguments which were presented

1 to the Court before such interlocutory order.” Civ. L.R. 7-9(b)(3). Here, the Court finds that
2 Defendants’ identification of page 27, line 9 as containing sealable material constitutes a “material
3 fact[] [not] presented to the Court before” its Order. Accordingly, Defendants’ request for leave to
4 move for reconsideration is GRANTED.

5 The Court also finds that Defendants’ submission at ECF 298 suffices as a motion for
6 reconsideration, and construes it as such. The Court finds that Defendants have articulated good
7 cause to seal page 27, line 9 of Exhibit 7 to the Lee Declaration (ECF 265-11). The Court also
8 finds this request narrowly tailored. Accordingly, the Court revises its Order at ECF 279 and
9 further GRANTS IN PART Plaintiffs’ request to seal Exhibit 7 to the Lee Declaration (ECF 265-
10 11) as to page 29, line 7. The Court’s Order otherwise remains unchanged.

11 **IT IS SO ORDERED.**

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13 Dated: July 11, 2017

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BETH LABSON FREEMAN
United States District Judge

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