

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

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

TESSERA, INC.,  
Plaintiff,  
v.  
TOSHIBA CORPORATION,  
Defendant.

Case No. [15-cv-02543-BLF](#)

**ORDER DENYING TOSHIBA'S  
UNOPPOSED MOTION TO REDACT  
PORTIONS OF SEPTEMBER 22, 2016  
HEARING TRANSCRIPT WITHOUT  
PREJUDICE**

[Re: ECF 209]

Currently before the Court is Toshiba Corporation's ("Toshiba") unopposed motion to redact portions of the September 22, 2016 hearing transcript pursuant to the Court's order. ECF 209. Because Toshiba's motion fails to comply with this Court's Local Rules and Standing Order re Civil Cases, the motion is DENIED WITHOUT PREJUDICE.

Under Civil Local Rule 79-5(d), a party seeking to file a document, or portions thereof, under seal must file an administrative motion to file under seal, in conformance with Civil L.R. 7-11. The administrative motion must be accompanied by (1) a declaration establishing that the document sought to be filed under seal, or portions thereof, are sealable; (2) a proposed order that is narrowly tailored to seal only the sealable material; (3) a redacted version of the document that is sought to be filed under seal<sup>1</sup>; and (4) an unredacted version of the document sought to be filed under seal, indicating, by highlighting or other clear method, the portions of the document that have been omitted from the redacted version. Toshiba's motion does not comply with Civil L.R. 7-11, in that it does not set forth the reasons supporting the motion.<sup>2</sup> Additionally, Toshiba's

---

<sup>1</sup> Because Toshiba seeks to redact portions of a hearing transcript, which are properly filed by the court reporter upon the Court's order, Toshiba need not file a redacted version of the transcript.

<sup>2</sup> The motion also fails to indicate why the proposed redactions are narrowly tailored, in violation of Civil L.R. 79-5(b).

1 motion is not accompanied by a declaration or an unredacted version of the transcript with  
2 highlighting to indicate the portions of the document to be redacted, which may be filed under  
3 seal.

4 Toshiba's motion also violates this Court's Standing Order re Civil Cases, which prohibits  
5 incorporation by reference. *See* Standing Order re Civil Cases, subsection E.2 ("All factual and  
6 legal bases for a party's position must be presented in the briefs submitted in connection with the  
7 particular motion before the Court."); Mot. 2, ECF 209 ("Toshiba submits that for the same  
8 reasons cited in Toshiba's Motion to Close the Courtroom, the proposed redactions to the  
9 transcript are sealable.").

10 Accordingly, the Court DENIES Toshiba's motion WITHOUT PREJUDICE to it refileing  
11 the motion in accordance with the Court's Local Rules and Standing Order re Civil Cases.  
12 Toshiba shall file an administrative motion to redact the transcript on or before October 21, 2016.

13 **IT IS SO ORDERED.**

14 Dated: October 14, 2016

  
BETH LABSON FREEMAN  
United States District Judge

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28