

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ROBROY INDUSTRIES – TEXAS, LLC, a §
Texas corporation, and ROBROY §
INDUSTRIES, INC., a Pennsylvania §
corporation §

Plaintiffs,

Case No. 2:15-CV-512-WCB

v.

THOMAS & BETTS CORPORATION, a §
Tennessee corporation, §

Defendant.

MEMORANDUM AND ORDER

Before the Court is the Unopposed Motion For Leave to File Under Seal, filed by defendant Thomas & Betts Corproation. Dkt. No. 77. The defendant requests that the Court order that Robroy’s Motion to Modify the Second Docket Control Order as well as accompanying Exhibits B and C be kept under seal. Dkt. No. 74. The motion is GRANTED IN PART and DENIED IN PART.

T&B represents that the Exhibits B and C should remain under seal as they contain the deposition testimony of T&B executives concerning “proprietary business operations” as well as T&B’s “methods of managing financial and project related data.” The Court accepts T&B’s representations that the deposition testimony contains proprietary internal information and ORDERS that Exhibits B and C remain under seal.

T&B also moves to keep the Motion to Modify under seal, pointing to portions of four lines in the motion. It argues that the motion “quotes and/or purports to paraphrase” the T&B executives’ testimony. The purportedly confidential portions of the motion say that T&B uses a

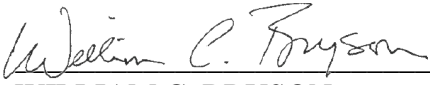
quotation system to track sales for its products and that it uses a project tracking system to coordinate its efforts to have its products included in the specification for building projects. The bare reference to these facts cannot be considered “commercial information that is not publicly known and is of technical commercial advantage to its possessor.” Agreed Protective Order, Dkt. No. 29. Those portions of the motion are nonspecific and state only the unsurprising observation that T&B uses its internal systems to track sales and compete effectively in the conduit market. T&B has not given the Court any reason to believe that those observations, at the level of generality they appear at in the text of the Motion, constitute non-public commercial information. Therefore, the Court DENIES T&B’s motion with respect to the Motion and ORDERS it to be unsealed.

As T&B has not asked that Exhibit A or the Proposed Order remain under seal, the Court ORDERS that they be unsealed as well.

This order will be acted on at the close of business on Friday, October 7, 2016.

IT IS SO ORDERED.

SIGNED this 3rd day of October, 2016.



WILLIAM C. BRYSON
UNITED STATES CIRCUIT JUDGE