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Attorneys for Defendants GOOGLE INC., SAMSUNG ELECTRONICS USA, INC., ACER AMERICA CORP., AMAZON.COM, INC. and BEST BUY CO., INC.

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH, CENTRAL DIVISION

ISYS TECHNOLOGIES, INC., a Nevada Corporation,

Plaintiff,

v.

GOOGLE INC., a Delaware Corporation;
 SAMSUNG ELECTRONICS USA, INC., a Delaware Corporation; ACER AMERICA CORP., a California Corporation; AMAZON.COM, INC., a Delaware Corporation; and BEST BUY CO., INC., a Minnesota Corporation,

Defendants.

CASE No. 2:11-CV-507 CW

**MEMORANDUM IN SUPPORT OF
 MOTION TO REDACT HEARING
 TRANSCRIPT**

JUDGE CLARK WADDOUPS

Defendants Google Inc., Acer America Corp., and Samsung Electronics America, Inc. (erroneously sued herein as Samsung Electronics USA, Inc.) (collectively, “Defendants”) seek redaction of portions of the transcript of the June 14, 2011 hearing on plaintiff’s motion for temporary restraining order and preliminary injunction on the grounds that such redaction is

necessary to protect Defendants' highly confidential business information, including details of internal manufacturing and business processes.

The court has the power to allow the parties to protect confidential information under FRCP Rule 26(c). The court also has provided ways to automatically preserve confidential private information under Local Rule 5.2-1. Thus by Rule, the court has the power to control and direct redaction as appropriate to preserve the assets of the parties before it. In other words, the court has the power and the discretion to order redaction of the portions of the transcript that disclose Defendants' highly confidential business information. *Crystal Grower's Corp. v. Dobbins*, 616 F.2d 458, 461 (10th Cir. 1980) ("It is beyond question that this Court has discretionary power to control and seal, if necessary, records and files in its possession."); *In re Iowa Freedom of Info. Council*, 724 F.2d 658, 664 (8th Cir. 1983) (sixty-two pages of 649-page hearing transcript properly withheld from public because they contained marketing and distribution plans that "could be of substantial use to competitors" and whose disclosure "would do considerable damage to [the party's] business and property").

The requested redactions are narrowly tailored to include only Defendant's highly confidential business information. The very limited nature of the redactions keeps the substance of the hearing intact such that a reader of the redacted transcript could readily evaluate the merits of the case, and "[t]he public's general interest in the honesty and fairness of [the] Court [will not be] impaired." *Crystal Grower's*, 616 F.2d at 462; *see also, e.g., United States v. McVeigh*, 119 F.3d 806, 815 (10th Cir. 1997) ("[T]he substantial portions of the documents that were made publicly available have provided the press and the public with a constitutionally sufficient opportunity to understand the decisions at issue.").

For the foregoing reasons, good cause for redacting the transcript exists, and Defendants respectfully move the Court to order redaction of the hearing transcript in accordance with Defendants' concurrently submitted Redaction Request.

DATED this 9th day of August, 2011.

/s/ Thomas J. Rossa

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