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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ACER, INC., ACER AMERICA)
 CORPORATION and GATEWAY, INC.,)
 Plaintiffs,)
 v.)
 TECHNOLOGY PROPERTIES LIMITED,)
 PATRIOT SCIENTIFIC CORPORATION,)
 and ALLIACENSE LIMITED,)
 Defendants.)

Case No. 5:08-cv-00877 PSG

**DEFENDANTS' ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL
 DOCUMENTS CONTANING
 LSI CONFIDENTIAL INFORMATION**

Judge: Hon. Paul S. Grewal
 Date: August 29, 2013
 Time: 2:00 p.m.

HTC CORPORATION and HTC)
 AMERICA, INC.,)
 Plaintiffs,)
 v.)
 TECHNOLOGY PROPERTIES LIMITED,)
 PATRIOT SCIENTIFIC CORPORATION)
 and ALLIACENSE LIMITED,)
 Defendants.)

Case No. 5:08-cv-00882 PSG

AND ALL RELATED COUNTERCLAIMS)

PLEASE TAKE NOTICE that pursuant to Civil Local Rule 79-5(c) and (d), Defendants Technology Properties Limited, Patriot Scientific Corporation, and Alliacense Limited (collectively, “Defendants”) move the Court for an order to file under seal Exhibit M to the Declaration of Irvin Tyan filed in support of Defendants’ Opposition to Acer’s Motion for Summary Judgment of Noninfringement of U.S. Patent No. 5,809,336 [Dkt. 455] and Exhibit 1 to the Declaration of Vinh H. Pham In Support of Defendants’ Opposition to Acer’s Motion for Summary Judgment of Noninfringement of U.S. Patent No. 5530,890 [Dkt. 454] (the “LSI Confidential Exhibits”).

Rule 26(c) of the Federal Rules of Civil Procedure provides broad discretion for a trial court to permit sealing of court documents for, inter alia, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c)(1)(G). Further, although “courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents,” the Ninth Circuit has made clear that “access to judicial records is not absolute.” *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (internal citation omitted). Thus, a party seeking to seal a document or information filed in connection with a dispositive motion may overcome the presumption of public access by meeting the “compelling reasons” standard articulated by the Ninth Circuit. *Id.*; *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003); *Medtronic Vascular, Inc. v. Abbott Cardiovascular Sys., Inc.*, 614 F. Supp. 2d 1006, 1035-36 (N.D. Cal. 2009), amended on other grounds, No. C 06-1066 PJH, 2009 WL 1764749 (N.D. Cal. June 22, 2009). Specifically, a party may demonstrate the need for under seal treatment by “articulat[ing] compelling reasons supported by specific factual findings . . . that outweigh the general history of access and the public policies favoring disclosure.” *Kamakana*, 447 F.3d at 1178-79 (internal citations omitted).

The parties to the above-captioned actions filed an Omnibus Motion Regarding Outstanding Motions to Seal (the “Omnibus Motion”) on August 20, 2013 [Dkt. 508]. The LSI Confidential Exhibits had been previously lodged under seal but were inadvertently omitted from the Omnibus Motion and the accompanying Proposed Order. The LSI Confidential Exhibits are excerpts from the deposition transcripts of LSI Corporation (“LSI”) witnesses and contain

1 information designated by LSI as confidential, as detailed in the Declaration of Adrienne E.
2 Dominguez In Support of Technologies Properties Limited's Motion to File Under Seal [Dkt. 513-
3 4 (Acer) and 508-4 (HTC)]. For the reasons contained in that declaration previously filed,
4 Defendants' motion to seal should be granted.

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6 Dated: August 27, 2013

Respectfully Submitted,
AGILITY IP LAW, LLP

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UNITED STATES DISTRICT COURT
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ACER, INC., ACER AMERICA
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 Plaintiffs,
 v.
 TECHNOLOGY PROPERTIES LIMITED,
 PATRIOT SCIENTIFIC CORPORATION,
 and ALLIACENSE LIMITED,
 Defendants.

Case No. 5:08-cv-00877 PSG

**[PROPOSED] ORDER GRANTING
 DEFENDANTS' MOTION TO FILE
 UNDER DOCUMENTS CONTANING
 LSI CONFIDENTIAL INFORMATION**

Judge: Hon. Paul S. Grewal
 Date: August 29, 2013
 Time: 2:00 p.m.

HTC CORPORATION and HTC
 AMERICA, INC.,
 Plaintiffs,
 v.
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 PATRIOT SCIENTIFIC CORPORATION
 and ALLIACENSE LIMITED,
 Defendants.

Case No. 5:08-cv-00882 PSG

AND ALL RELATED COUNTERCLAIMS

1 Having reviewed Defendants' Administrative Motion to File Under Seal Documents
2 Containing LSI Confidential Information, and all related facts and circumstances, and good cause
3 appearing therefor, IT IS HEREBY ORDERED THAT the Exhibit M to the Declaration of Irvin
4 Tyan filed in support of Defendants' Opposition to Acer's Motion for Summary Judgment of
5 Noninfringement of U.S. Patent No. 5,809,336 [Dkt. 455] and Exhibit 1 to the Declaration of Vinh
6 H. Pham In Support of Defendants' Opposition to Acer's Motion for Summary Judgment of
7 Noninfringement of U.S. Patent No. 5530,890 [Dkt. 454] should be filed under seal.

8 IT IS HEREBY ORDERED THAT Defendants' Administrative Motion to File Under Seal
9 Documents Containing LSI Confidential Information is GRANTED and that Exhibit M to the
10 Declaration of Irvin Tyan filed in support of Defendants' Opposition to Acer's Motion for
11 Summary Judgment of Noninfringement of U.S. Patent No. 5,809,336 [Dkt. 455] and Exhibit 1 to
12 the Declaration of Vinh H. Pham In Support of Defendants' Opposition to Acer's Motion for
13 Summary Judgment of Noninfringement of U.S. Patent No. 5530,890 [Dkt. 454] be filed under seal
14 by the Clerk of the Court in conformity with Local Rule 79-5(f).

15 IT IS SO ORDERED.

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17 Dated: _____, 2013

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19 Hon. Paul S. Grewal
20 United States Magistrate Judge
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