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7 TECHNOLOGY PROPERTIES LIMITED and
8 ALLIACENSE LIMITED

8 UNITED STATES DISTRICT COURT
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10 NORTHERN DISTRICT OF CALIFORNIA
11
12 SAN FRANCISCO DIVISION

12 ACER, INC., ACER AMERICA)
13 CORPORATION and GATEWAY, INC.,)
14 Plaintiffs,)
15 v.)
16 TECHNOLOGY PROPERTIES LIMITED,)
17 PATRIOT SCIENTIFIC CORPORATION,)
18 and ALLIACENSE LIMITED,)
19 Defendants.)

Case No. 3:08-cv-05398 JW

**DEFENDANTS TECHNOLOGY
PROPERTIES LTD. AND ALLIACENSE
LTD.'S ADMINISTRATIVE MOTION
TO SEAL PORTIONS OF BARCO'S
THIRD MOTION TO STRIKE
PORTIONS OF TPL'S INFRINGEMENT
CONTENTIONS**

Judge: Hon. James Ware

19 HTC CORPORATION and HTC)
20 AMERICA, INC.,)
21 Plaintiffs,)
22 v.)
23 TECHNOLOGY PROPERTIES LIMITED,)
24 PATRIOT SCIENTIFIC CORPORATION)
25 and ALLIACENSE LIMITED,)
26 Defendants.)

Case No. 3:08-cv-00882 JW

1 Pursuant to Civil Local Rules 7-11 and 79-5, defendants Technology Properties Ltd. and
2 Alliacense Ltd. (collectively, “Defendants”) hereby move for an order sealing designated portions
3 of: (1) Barco’s Motion to Strike Portions of TPL’s Third Amended Infringement Contentions for
4 U.S. Patent No. 5,809,336; U.S. Patent No. 5,440,749; and U.S. Patent No. 5,530,890 (“Barco’s
5 Motion to Strike”); and (2) the exhibits in support of Barco’s motion.

6 The Court should seal the particular portions of these documents for which Defendants
7 seek protection because they contain confidential information. The Court can seal court
8 documents when they contain “confidential . . . development . . . or commercial information.”
9 *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006) (court has
10 “good cause” to seal documents containing material protected by Fed. R. Civ. Proc. 26(c)(1)(G)
11 (protecting trade secrets and “other confidential . . . development . . . or commercial
12 information”)).

13 The body of the Motion to Strike and the exhibits thereto contain confidential information
14 of both Alliacense as well as third parties who have provided information in discovery. Although
15 Barco has asserted that the burden is solely on Alliacense to protect the confidentiality of the
16 information, that is wrong. For example, some of the information contained in the exhibits to the
17 motion was produced to all parties by third-party Texas Instruments, Inc. All recipients of the
18 information (including Barco) agreed to maintain its confidentiality. Barco cannot skirt its
19 obligations under the Protective Order by placing the onus on Alliacense.

20 These exhibits also contain information that Alliacense considers confidential. *See* M.
21 Leckrone Decl. In Supp. of Defs.’ Admin. Mot. to Seal Portions of Their Opp. to the Mot. of
22 Barco For Summ. J. & of the Oklobdzija Decl. (filed Feb. 4, 2011) (“Leckrone Decl.,” filed
23 herewith as Exhibit A), ¶¶ 2-8. Revealing this information publicly would harm Alliacense’s
24 efforts to license its patent portfolio. Exhibit A, ¶¶ 6–8. The Court previously ordered
25 information from Alliacense’s product reports to be sealed. *See* Order Granting Admin. Mot. to
26 Seal, Dkt. 247.

1 Therefore, Alliacense respectfully requests that this Court grant this Administrative Motion
2 to Seal.

3 Date: June 3, 2012

Respectfully submitted,

4 AGILITY IP LAW, LLP

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6 /s/
Brandon Baum

7 Attorney for Defendants TECHNOLOGY
8 PROPERTIES LIMITED and ALLIACENSE
LIMITED

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

Case No. 3:08-cv-05398 JW

[PROPOSED] ORDER SEALING BARCO'S MOTION TO STRIKE PORTIONS OF TPL'S THIRD AMENDED INFRINGEMENT CONTENTIONS

Judge: Hon. James Ware

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

IT IS HEREBY ORDERED THAT Barco's Motion to Strike Portions of TPL's Third Amended Infringement Contentions and all Exhibits thereto remain sealed.

Dated: _____

JAMES WARE
United States District Chief Judge