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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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12 IN RE HP PRINTER FIRMWARE UPDATE
LITIGATION

CASE NO. 5:16-cv-05820-EJD-SVK

**DEFENDANT HP INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL DEFENDANT'S
OPPOSITION TO PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS AND ATTACHMENT
IN SUPPORT THEREOF**

Hearing:

Date: April 25, 2019
Time: 9:00 a.m.
Place: Courtroom 4
Judge: Hon. Edward J. Davila

Action Filed: September 28, 2016

1 Pursuant to Civil Local Rules 7-11 and 79-5, Defendant HP Inc. (“HP”) submits this
2 Administrative Motion to file under seal portions of its Opposition to Plaintiffs’ Motion for Attorneys’
3 Fees, Costs, and Service Awards (Dkt. 119) (“Opposition”) and attachment in support thereof. This
4 Administrative Motion is supported by the Declaration of Samuel G. Liversidge (the “Liversidge
5 Declaration”). *See* Civ. L. R. 79-5(d)(1)(A).

6 This Court has “broad latitude . . . to prevent disclosure of materials for many types of
7 information, including . . . trade secrets or other confidential research, development, or commercial
8 information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002). For example,
9 documents may be sealed if they contain “business information that might harm a litigant’s competitive
10 standing.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (citing
11 *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598–99 (1978)); *see also Dugan v. Lloyds TSB Bank,*
12 *PLC*, No. 12-2549-WHA, 2013 WL 1435223, at *4 (N.D. Cal. Apr. 9, 2013) (sealing “confidential
13 business information”).

14 The information for which confidential treatment is sought—which is contained in Exhibit 1 to
15 HP’s Opposition, HP’s Responses and Objections to Plaintiffs’ First Set of Interrogatories (Dkt. 91-
16 15), and discussed on pages 3, 4, and 13 of HP’s Opposition—includes confidential, nonpublic,
17 proprietary, and highly sensitive information regarding the design and development of security
18 technology in HP printers, as well as regarding internal financial information, goals and designs for
19 implementing security, and identification and discussion of competition. (*See* Liversidge Decl. ¶¶ 3–
20 5.) Disclosure of this information would prejudice HP both in its commercial relationships with
21 competitors and third parties. Accordingly, compelling reasons exist for these documents and
22 information to remain under seal. Moreover, HP designated this information as “HIGHLY
23 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Stipulated Protective Order, further
24 demonstrating the reasonable steps that HP has taken to maintain the confidentiality of this information.
25 *See Mezzadri v. Medical Depot, Inc.*, No. 14-2330, 2015 WL 12564223, at *2 (S.D. Cal. Dec. 18, 2015)
26 (granting motion to seal materials designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES
27 ONLY” under protective order).

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1 For the foregoing reasons, HP respectfully requests that the Court grant HP's Administrative
2 Motion to File Under Seal and maintain the relevant portions of HP's Opposition and Exhibit 1 in
3 support thereof under seal.

4 Dated: March 26, 2019

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

6 By: /s/ Samuel G. Liversidge
7 Samuel Liversidge

8 Attorneys for Defendant HP Inc.