

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GODO KAISHA IP BRIDGE 1,	)	
	)	C.A. No. 16-290-MN
Plaintiff,	)	
	)	<b>JURY TRIAL DEMANDED</b>
v.	)	
	)	<b>PUBLIC VERSION</b>
OMNIVISION TECHNOLOGIES, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT OMNIVISION TECHNOLOGIES, INC.'S MOTION FOR REDACTION  
OF TRANSCRIPT OF DECEMBER 7, 2018 DISCOVERY TELECONFERENCE**

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## **I. INTRODUCTION**

Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure and this Court's Policy on the Electronic Availability of Transcripts of Court Proceedings, Defendant OmniVision Technologies, Inc. ("OmniVision") respectfully moves for an Order redacting very limited, highly confidential portions of the transcript from the discovery teleconference in this case held December 7, 2018 (D.I. 150). The proposed redactions are highlighted in the attached Exhibit A, and a redacted copy the Transcript is attached as Exhibit B.

OmniVision's proposed redactions are narrowly tailored and only apply to confidential and sensitive information relating to its business practices. There is no public benefit to making OmniVision's confidential business practices publicly available, and the detriment to OmniVision could be severe. Thus, for the reasons set forth below, OmniVision respectfully requests that the Court grant OmniVision's motion to redact the discovery teleconference transcript with respect to information regarding OmniVision's confidential business practices.

## **II. BACKGROUND**

Early in this case, the parties agreed to a Protective Order, which the Court entered on January 23, 2018. D.I. 52. In the Protective Order, the parties recognized that "[d]isclosure and discovery activity in this action are likely to involve production of confidential, proprietary, or private information for which special protection from public disclosure and from use for any purpose other than prosecuting this litigation may be warranted." *Id.* at 1. Further, the parties acknowledged that this information would encompass "documents, testimony, or information containing or reflecting confidential, proprietary, trade secret, and/or commercially sensitive information." *Id.* The parties additionally agreed that "a Designating Party may specify, at the deposition or up to 30 days afterwards if that period is properly invoked, that the entire transcript

shall be treated as ‘CONFIDENTIAL[,]’ ‘HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,’ or ‘HIGHLY CONFIDENTIAL – SOURCE CODE.’” *Id.* at 7.

The deposition of OmniVision’s Senior Vice President of System Technologies, John Li, was taken in this case on October 17, 2018. Declaration of Lisa D. Zang (“Zang Decl.”) ¶ 2. Counsel for OmniVision specified at the deposition that the entire transcript was to be treated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” *Id.* Counsel for Plaintiff Godo Kaisha IP Bridge 1 (“Godo”) never challenged this confidentiality designation. *Id.*; *see* D.I. 52 at 9-10 (setting forth procedure for challenging confidentiality designations).

A discovery teleconference was held in this case on December 7, 2018. *See* Exs. A-B. During the discovery teleconference, counsel for Godo discussed OmniVision’s confidential business practices based on information that counsel for Godo had learned from the highly confidential transcript of Mr. Li’s deposition. *See* Ex. A at 14:4-13 (“[W]hen I deposed John Li on October 17th, 2018, he testified that. . .”), 14:16-19 (“And he testified that. . .”), 15:4-5, 27:9-16 (“Mr. Li testified that. . .”), 27:19-20, 27:25, 28:3-4.

The official transcript of the discovery teleconference was filed on December 10, 2018, and the Court set the deadline for submitting redaction requests as December 31, 2018. D.I. 150. Since December 31, 2018 is a court holiday, the deadline for submitting redaction requests is January 2, 2019 pursuant to Rule 6 of the Federal Rules of Civil Procedure. FED. R. CIV. P. 6(a)(1)(C), 6(a)(3)(A). Pursuant to D. Del. L.R. 7.1.1, counsel for OmniVision and Godo met and conferred regarding this motion on December 28, 2018. Zang Decl. at ¶ 3. Godo opposes the motion. *Id.*

### III. LEGAL STANDARD

Rule 26(c) of the Federal Rules of Civil Procedure provides that a protective order may

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