

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GODO KAISHA IP BRIDGE 1,)
)
Plaintiff,) C.A. No. 16-290-MN
)
v.)
)
OMNIVISION TECHNOLOGIES, INC.,) **PUBLIC VERSION**
)
Defendant.)

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

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I. INTRODUCTION

Godo makes numerous unsupported and generalized claims regarding the confidentiality of OmniVision's business information and the harm that would result from its disclosure. This falls far short of rebutting the good cause that exists to redact very limited portions of the December 7, 2018 discovery teleconference transcript that would otherwise disclose portions of a deposition transcript properly designated as highly confidential by OmniVision. As attested to by OmniVision's Vice President of Sales of North America, if those limited redactions of the transcript are not maintained, OmniVision would be harmed by public disclosure of its confidential information. Moreover, the proposed redactions are narrow-tailored and the transcript leaves intact the public's unfettered ability to understand all proceedings and orders issued during the discovery teleconference. This is particularly so given that the information that OmniVision seeks to redact played no role in the Court's rulings. Accordingly, OmniVision's motion for redactions should be granted.

II. ARGUMENT

A. Good Cause to Redact OmniVision's Confidential Business Information Outweighs the Presumption of Public Access

Godo claims that OmniVision has failed to rebut the presumption of public access to the transcript of the December 7, 2018 discovery teleconference. D.I. 2-3. As discussed at length in OmniVision's opening brief, however, the presumption of public access to judicial proceedings and records is "not absolute" but rather is outweighed here, where good cause exists to seal those portions of the transcript relating to OmniVision's confidential business practices. *See Nixon v. Warner Comm'n, Inc.*, 435 U.S. 589, 598 (1978); *Littlejohn v. BIC Corp.*, 851 F.2d 673, 678 (3d Cir. 1988).

OmniVision's proposed redactions touch upon fewer than 30 lines, *i.e.*, approximately

3.3%, of the discovery teleconference transcript. Good cause exists to seal these limited portions because OmniVision may suffer serious competitive harm if its confidential business information is disclosed. As attested to by OmniVision's Vice President of Sales of North America, Michelle Milunovic, the information regarding OmniVision's confidential business practices that would otherwise be made public includes the identity, location, and business role of an OmniVision customer support representative; the identity of one of OmniVision's customers; and OmniVision's internal reporting practices regarding its associated customer support services. Declaration of Michelle Milunovic ("Milunovic Decl."), ¶ 4. OmniVision would be harmed and put at a significant competitive disadvantage if its competitors were provided insight into how it provides customer support, staffs its customer support team, and internally manages customer support reports. Milunovic Decl. ¶ 5. For example, a competitor that receives information regarding customer support representative Don Boe's identity, location, and assignment to Motorola could then search for publicly available information regarding Mr. Boe's credentials. This information would thus disclose how OmniVision locates customer support representatives in relation to its customers as part of its marketing and support strategies. In addition, this information regarding the types of individuals that OmniVision employs and the credentials that they have would make OmniVision's employees (here, Mr. Boe) potential targets for recruitment by its competitors. As another example, a competitor that gains insight into OmniVision's internal customer support reporting practices might be able to ascertain at least some of the methods by which OmniVision achieves success in the competitive market for image sensors. Milunovic Decl. ¶ 5. Accordingly, confidential and sensitive information regarding OmniVision's business practices should remain under seal.

Moreover, the information that Godo seeks to make public originates from the transcript

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