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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)	CASE NO. CR 11-0573 JSW
)	
15 Plaintiff,)	UNITED STATES' RESPONSE TO ORDER TO
)	SHOW CAUSE RE: MOTIONS TO SEAL
16 v.)	(DOCKET NO. 540, 507, 511)
)	
17 WALTER LIEW; CHRISTINA LIEW; USA)	
PERFORMANCE TECHNOLOGY, INC.;)	
18 AND ROBERT MAEGERLE,)	
)	
19 Defendants.)	
)	

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21 The United States files this response to the Court's November 6, 2013 order to show cause why
22 defendants administrative motions to seal should not be denied. Dkt. 540.

23 **The Redlined Cooper Report, Exhibit A to the Gasner Declaration (Dkt. 507)**

24 On October 25, 2013, defendants filed an administrative motion to seal Exhibit A to the
25 declaration of Stuart Gasner. Dkt. 507. Exhibit A to the Gasner declaration is a redlined version of the
26 report of defense TiO2 expert Paul A. Cooper. Previously, the Court filed a redacted version of the
27 original (*e.g.*, not redlined) Cooper report in the public record pursuant to the government's earlier
28 submission. Dkt. 522, 527. Because the current motion concerns the same underlying report and issues,

1 the United States incorporates its prior response. Dkt. 522.

2 The United States has consulted with DuPont regarding the redlined Cooper Report (Exhibit A to
3 the Gasner Declaration) and submits a redacted version of that report as Exhibit 1 to this filing. The
4 redactions are intended to prevent disclosure in the public record of proprietary DuPont information.
5 The redactions generally fit into three categories: (1) citations from the Kuan Yin Basic Data Document,
6 which is Trade Secret 5 in the Second Superseding Indictment; (2) citations from proprietary DuPont
7 drawings; and (3) process-related citations from material previously prepared by DuPont employees
8 Steve Taylor and Austin Reid related to this litigation. Therefore, the United States requests that the
9 Court grant in part the administrative motion to file Exhibit A under seal by allowing the public filing of
10 the attached redacted version of the report.

11 **Exhibits C, D, and E to the Blais Declaration (Dkt. 511)**

12 The United States has reviewed Exhibits C, D, and E to the Blais Declaration (Dkt. 511) and has
13 no objection to the filing of those exhibits in the public record, except that personal information, such as
14 home address and passport numbers (*see* Ex. C and E), should be redacted pursuant to ECF
15 requirements.

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17 DATED: November 14, 2013

18 Respectfully submitted,

19 MELINDA HAAG

20 United States Attorney

21 _____/s/
22 PETER B. AXELROD
23 JOHN H. HEMANN
24 Assistant United States Attorneys
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