

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SYNOPSISYS, INC.,

Plaintiff,

v.

MENTOR GRAPHICS CORPORATION,

Defendant.

No. C 12-6467 MMC

**ORDER ON ADMINISTRATIVE MOTION
TO SEAL PORTIONS OF PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
AND EXHIBITS THERETO,
DIRECTIONS TO PARTIES**

Before the Court is "Synopsys' Administrative Motion to File Omnibus Motion for Summary Judgment Under Seal," filed October 3, 2014, by plaintiff Synopsys, Inc. ("Synopsys"), pursuant to Civil Local Rule 79-5. Having read and considered the administrative motion and declarations filed in support thereof, the Court hereby rules as follows.

"A sealing order may issue only upon a request that establishes that the document, or portions thereof, is privileged or protectable as a trade secret or otherwise entitled to protection under the law." Civil L.R. 79-5(a). "The request must be narrowly tailored to seek sealing only of sealable material." Id.

By the instant motion, Synopsys seeks to seal portions of Synopsys' motion for summary judgment, the entirety of exhibits 6, 8, 10-13, 15-17, 19, 20, 25-30, 33, 36, and 38-46 to the declaration of Philip W. Woo ("Woo declaration") in support thereof, the entirety of the declaration of Martin G. Walker in support thereof, and the entirety of the declaration of Ronald D. (Shawn) Blanton in support thereof. Various portions of said

1 material have been designated confidential by Synopsys and other portions of said material
2 have been designated by Mentor. See Civil L.R. 79-5(d)-(e) (providing, where party seeks
3 to file under seal material designated as confidential by another party, such party shall file
4 motion for sealing order, after which designating party must file, within 4 days, “declaration
5 . . . establishing that all of the designated information is sealable”). On October 7, 2014,
6 Mentor filed its responsive declaration in support of sealing. See id.

7 To the extent the administrative motion seeks to seal portions of Synopsys’ motion
8 for summary judgment and the entirety of exhibits 11, 12, 19, 20, 25, 26, 28, 29, 30, 33, 36,
9 38, 39, 41, 42, 43, 44, 45, and 46 to the Woo declaration, the administrative motion is
10 GRANTED, and Synopsys’ motion for summary judgment and said exhibits thereto may
11 remain under seal.

12 As to exhibits 6 and 17 to the Woo declaration, which exhibits were designated
13 confidential by Mentor, no responsive declaration under Civil Local Rule 79-5(d) has been
14 submitted by said designating party. Accordingly, to the extent Synopsys’ motion seeks
15 sealing of said exhibits, the motion is DENIED, and Synopsys is DIRECTED to file in the
16 public record, no earlier than October 20, 2014, and no later than October 24, 2014,
17 exhibits 6 and 17 to the Woo declaration.

18 As to exhibits 8 and 10 to the Woo declaration, contrary to Synopsys’ assertion that
19 the materials are sealable, the documents appear to contain substantial amounts of non-
20 sealable material. In lieu of denial, the Court DEFERS ruling on exhibits 8 and 10 pending
21 Synopsys’ filing, no later than November 1, 2014, a supplemental response in which
22 Synopsys provides, for each such exhibit, a redacted version limiting the amount of
23 material sought to be sealed. Pending the Court’s ruling on the supplemental response,
24 said exhibits will remain under seal.

25 Exhibits 15 and 16 to the Woo declaration, although declared sealable by both
26 parties, likewise appear to contain substantial amounts of non-sealable material. In lieu of
27 denial, the Court DEFERS ruling on exhibits 15 and 16 pending each parties’ filing, no later
28 than November 1, 2014, a supplemental response that provides, for each such exhibit, a

1 redacted version limiting the amount of material sought to be sealed. Pending the Court's
2 ruling on the supplemental responses, said exhibits will remain under seal.


3 As to exhibits 13, and 27 to the Woo declaration and the declaration of Martin G.
4 Walker, Ph.D., contrary to Synopsys' assertion that said documents are sealable, the
5 documents appear to consist entirely of non-sealable information. To the extent such
6 exhibits may contain material meeting Synopsys' purported justification for sealing,
7 however, the Court DEFERS ruling thereon pending Synopsys' filing, no later than
8 November 1, 2014, a supplemental response in which Synopsys provides, for each such
9 exhibit, a redacted version limiting the amount of material sought to be sealed. Pending
10 the Court's ruling on the supplemental response, said exhibits will remain under seal.

11 As to exhibit 40 to the Woo declaration, contrary to Mentor's assertion that the
12 exhibit is sealable, the exhibit appears to consist entirely of non-sealable information
13 already available to the public. To the extent said exhibits may contain material meeting
14 Mentor's purported justification for sealing, however, the Court DEFERS ruling thereon
15 pending Mentor's filing, no later than November 1, 2014, a supplemental response that
16 provides for said exhibit a redacted version limiting the amount of material sought to be
17 sealed. Pending the Court's ruling on the supplemental response, said exhibit will remain
18 under seal.

19 Lastly, as to the declaration of Ronald D. (Shawn) Blanton, Ph.D., the motion is
20 GRANTED to the extent the parties seek to seal the material beginning on page 18, line 21,
21 through page 72, line 5 and otherwise is DENIED. Synopsys is DIRECTED to file in the
22 public record, no later than October 21, 2014, a redacted version of said declaration.

23 **IT IS SO ORDERED.**

24
25 Dated: October 14, 2014

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27 MAXINE M. CHESNEY
28 United States District Judge