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United States District Court
For the Northern District of California

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

SYNOPSISYS, INC.,
Plaintiff,
v.
ATOPTECH, INC.,
Defendant.

No. C 13-2965 MMC

**ORDER RE: RESPONSIVE
DECLARATION IN SUPPORT OF
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

On August 6, 2015, plaintiff Synopsys, Inc. ("Synopsys") filed two administrative motions for leave to file under seal various documents, including documents designated confidential by defendant ATopTech, Inc. ("ATopTech"). Pursuant to the local rules of this district, ATopTech bears the burden of demonstrating the propriety of sealing any material so designated, and was required to make such showing no later than August 11, 2015. See Civil L.R. 79-5(d)-(e) (providing, where party seeks to file under seal material designated confidential by another party, such party shall file motion for sealing order, after which designating party must file, "within 4 days," declaration "establishing that all of the designated information is sealable").

As of August 13, 2015, ATopTech had not filed a declaration in support of sealing, and, consequently, the Court denied the motions to the extent such motions sought leave to file under seal documents designated confidential by ATopTech. Specifically, the Court directed the Clerk to file in the public record exhibits C - K and P - R to the Declaration of Patrick Michael filed in support of Synopsys' motion for leave to file a Second Amended

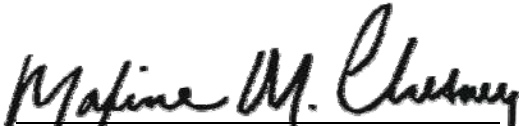
1 Complaint, as well as the portions of such motion that cite to those exhibits. (See Order,
2 filed Aug. 13, 2015.) Thereafter, on August 20, 2015, ATopTech filed a responsive
3 declaration by its counsel, asserting all said material is sealable. (See Declaration of Paul
4 Alexander (“Alexander Declaration”).) Having read and considered the declaration, the
5 Court hereby rules as follows.

6 In said declaration, Alexander, citing Civil Local Rule 79-5(e), states it was and is his
7 understanding that ATopTech’s responsive declaration was not due until August 20, 2015,
8 which date, the Court notes is fourteen days, not the requisite four days, after Synopsys
9 filed its administrative motions for leave to file under seal. See Civil L.R. 79-5(e)(1)
10 (requiring designating parting to file responsive declaration “within 4 days of the filing of the
11 [opposing party’s] Administrative Motion to File Under Seal”). Nevertheless, even
12 assuming ATopTech had timely filed its responsive declaration, such request “must be
13 narrowly tailored to seek sealing only of sealable material,” see Civil L.R. 79-5(b), and
14 ATopTech’s submission lacks the necessary “tailoring.” Rather, Alexander states, on
15 information and belief, that “some, but not all, of the documents contained in Exhibits C - K
16 and P - R contain confidential information.” (See Alexander Declaration ¶ 3.)

17 In light of the above, ATopTech’s request to consider the Alexander Declaration is
18 granted, but the Court’s order denying sealing of the above-referenced exhibits remains
19 unchanged, without prejudice to ATopTech’s filing a declaration that meets the
20 requirements of Rule 79-5(a).

21 **IT IS SO ORDERED.**

22 Dated: August 25, 2015

23 
24 MAXINE M. CHESNEY
25 United States District Judge