

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.  
ATOPTTECH, INC.,  
Defendant.

No. C 13-2965 MMC

**ORDER RE: ADMINISTRATIVE MOTION  
TO SEAL PORTIONS OF  
DEFENDANT’S OPPOSITION TO  
MOTION TO SUPPLEMENT AND  
EXHIBITS 3 – 6 IN SUPPORT  
THEREOF; DIRECTIONS TO  
DEFENDANT**

Before the Court is defendant ATopTech, Inc.’s (“ATopTech”) Administrative Motion to Seal, filed January 15, 2016, by which ATopTech seeks permission to seal material designated confidential by plaintiff Synopsys, Inc. (“Synopsys”), namely, portions of ATopTech’s opposition to Synopsys’s “Motion for Leave (A) to File Supplemental Complaint and (B) to File Motion for Reconsideration” (hereinafter, “Motion to Supplement”), as well as the entirety of Exhibits 3 – 6 to the Supporting Declaration of Paul Alexander (“Alexander Declaration”). On January 19, 2016, Synopsys filed a responsive declaration in support of sealing. 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 four days, “declaration . . .

1 establishing that all of the designated information is sealable”). Having read and  
2 considered the administrative motion and Synopsys’s responsive declaration, the Court  
3 hereby rules as follows.

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

8 According to Synopsys’s responsive declaration, Exhibit 3 is sealable because it  
9 contains “certain commands, options, and other input or output formats that are found in  
10 Synopsys’ software products and technical documentation” (see Nelson Decl. 1:25-28),  
11 and Exhibit 4 is sealable because it contains “the identity and number of Synopsys’  
12 customers, internal accounting procedures and amounts, market share of Synopsys  
13 products, internal financial projections and methodologies, and sales strategies” (see  
14 Nelson Decl. 2:23-25). Although the Court agrees that Exhibits 3 and 4 contain sealable  
15 material, those exhibits also appear to contain substantial amounts of material that is not  
16 sealable.

17 In lieu of denial, the Court hereby DEFERS ruling on the administrative motion to the  
18 extent it seeks to seal Exhibits 3 and 4 and related portions of the opposition, pending  
19 Synopsys’s filing, by January 29, 2016, a version of each said exhibit in which the  
20 redactions are limited to sealable material. Pending the Court’s ruling on Synopsys’s  
21 supplemental response, Exhibits 3 and 4 and the unredacted opposition will remain under  
22 seal.

23 Contrary to Synopsys’s assertion that the entirety of Exhibit 5 to the Alexander  
24 Declaration is sealable, said exhibit appears to contain no material of a confidential nature.  
25 Accordingly, to the extent the administrative motion seeks to seal Exhibit 5 and related  
26 portions of the opposition, the motion is hereby DENIED.


27 Synopsys fails to address Exhibit 6 to the Alexander Declaration in its responsive  
28 declaration. Accordingly, to the extent the administrative motion seeks to seal said exhibit

1 related portions of the opposition, the motion is hereby DENIED.

2 ATopTech is hereby DIRECTED to file in the public record, no later than January 29,  
3 2016, Exhibits 5 and 6 to the Alexander Declaration.

4 **IT IS SO ORDERED.**

5 Dated: January 22, 2016

  
MAXINE M. CHESNEY  
United States District Judge

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