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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.
ATOPTTECH, INC.,
Defendant.

No. C-13-2965 MMC

**ORDER GRANTING IN PART, DENYING
IN PART, AND DEFERRING RULING IN
PART ON PLAINTIFF’S MOTION TO
FILE UNDER SEAL (a) PORTIONS OF
ITS MOTIONS IN LIMINE AND (b)
CERTAIN SUPPORTING EXHIBITS
(DOC. NO. 539); DIRECTIONS TO
PLAINTIFF**

Before the Court is plaintiff Synopsys, Inc’s (“Synopsys”) administrative motion to seal (Doc. No. 539), filed January 26, 2016, by which Synopsys seeks permission to seal the entirety of Exhibits 1 - 12, 16 - 18, and 22 to the “Declaration of Patrick T. Michael in Support of Plaintiff Synopsys, Inc.’s Motions in Limine” (“Michael Declaration”), as well as portions of Synopsys’s Motions in Limine Nos. 2 - 4 and 9 - 11. Exhibits 1 - 8 and portions of Motion in Limine No. 3 have been designated confidential by both parties, whereas Exhibits 9 - 12, 16 - 18, and 22, as well as portions of Motions in Limine Nos. 2, 4, and 9 - 11, have been designated confidential by defendant ATopTech, Inc. (“ATopTech”) only.

On January 26, 2016, Synopsys filed a declaration in support of sealing its confidential material. See Civil L. R. 79-5(d) (providing motion to file document under seal must be “accompanied by . . . [a] declaration establishing that the document sought to be

1 filed under seal, or portions thereof, are sealable”). Thereafter, on February 2, 2016,
2 ATopTech filed a responsive declaration in support of sealing Exhibits 1, 2, 7, 8, 11, and 12
3 to the Michael Declaration, as well as portions of Synopsys’s Motions in Limine Nos. 2, 3,
4 and 10. See Civil L.R. 79-5(d)-(e) (providing, where party seeks to file under seal material
5 designated confidential by another party, designating party must file, within four days, “a
6 declaration . . . establishing that all of the designated information is sealable”). Having read
7 and considered the administrative motion and the parties’ respective declarations, the
8 Court rules as follows.

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

13 To the extent the administrative motion seeks permission to seal the entirety of
14 Exhibit 7 to the Michael Declaration, as well as portions of Synopsys’s Motions in Limine
15 Nos. 2, 3, and 10, the Court finds good cause has been shown, and, accordingly, the
16 motion is hereby GRANTED.


17 To the extent the administrative motion seeks permission to seal the entirety of
18 Exhibits 9, 10, 16 - 18, and 22, as well as portions of Synopsys’s Motion in Limine Nos. 4,
19 9, and 11, the motion is hereby DENIED, as ATopTech’s responsive declaration states
20 such material is not confidential. Synopsys is hereby DIRECTED to file in the public
21 record, no later than March 18, 2016, unredacted versions of said exhibits and Motions in
22 Limine.

23 To the extent the administrative motion seeks permission to seal the entirety of
24 Exhibits 1 - 6, 8, 11, and 12 to the Michael Declaration, the request is overbroad, as such
25 exhibits appear to contain substantial amounts of non-sealable material. In lieu of denial,
26 the Court hereby DEFERS ruling on Exhibits 1 - 6, 8, 11, and 12, pending each party’s
27 filing, by March 18, 2016, a supplemental response that identifies, with specificity, the
28 confidential material contained in said exhibits. Pending the Court’s ruling on the parties’

1 supplemental responses, said exhibits will remain under seal.

2 **IT IS SO ORDERED.**

3 Dated: March 8, 2016


MAXINE M. CHESNEY
United States District Judge

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