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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

SYNOPSYS, INC.,
Plaintiff,
v.
ATOPTECH, 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 (1) PORTIONS OF
ITS OPPOSITION TO DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT
AND (2) CERTAIN SUPPORTING
EXHIBITS (DOC. NO. 427); DIRECTIONS
TO PLAINTIFF**

Before the Court is plaintiff Synopsys, Inc.’s (“Synopsys”) administrative motion to seal (Doc. No. 427), filed November 13, 2015, by which Synopsys seeks permission to seal the following material filed in support of its Opposition to defendant ATopTech, Inc.’s (“ATopTech”) Motion for Summary Judgment: (a) the entirety of Exhibits 1, 6 - 9, 11 - 19, and 23 to the Declaration of Patrick T. Michael (“Michael Declaration”); (b) the entirety of Exhibit 14 to the Declaration of Ralph Oman (“Oman Declaration”); (c) the entirety of Exhibits 1 - 5 to the Declaration of James A. Storer (“Storer Declaration”); (d) the entirety of Exhibit A to the Declaration of Brian Napper (“Napper Declaration”); (e) the entirety of Exhibits 1 and 2 to the Declaration of Martin Walker (“Walker Declaration”); and (f) portions of Synopsys’s Opposition.

Synopsys has designated as confidential Exhibits 1, 6, 13 - 15, and 23 to the Michael Declaration; Exhibit 14 to the Oman Declaration; Exhibits 2 and 4 to the Storer

1 Declaration; and Exhibit 1 to the Walker Declaration. ATopTech has designated as
2 confidential Exhibits 7 - 9, 11, 12, and 16 - 19 to the Michael Declaration, and Exhibit 2 to
3 the Walker Declaration. Both parties have designated as confidential Exhibits 1, 3, and 5 to
4 the Storer Declaration, and Exhibit A to the Napper Declaration. As to the Opposition,
5 Synopsys's confidential information appears at lines eleven to seventeen on page three
6 and lines one to five on page fifteen; the remainder of the redacted passages have been
7 designated confidential by ATopTech.

8 Concurrently with the instant motion, Synopsys filed a declaration in support of
9 sealing its confidential material . See Civil L. R. 79-5(d) (providing motion to file document
10 under seal must be "accompanied by . . . [a] declaration establishing that the document
11 sought to be filed under seal, or portions thereof, are sealable"). Pursuant to the Local
12 Rules of this district, ATopTech was required to file by November 17, 2015, a responsive
13 declaration in support of sealing the material it has designated as confidential. See Civil
14 L.R. 79-5(d)-(e) (providing, where party seeks to file under seal material designated
15 confidential by another party, designating party must file, within four days, "a declaration . .
16 . establishing that all of the designated information is sealable"). To date, no such
17 declaration has been filed. Having read and considered the administrative motion and
18 Synopsys's declaration, the Court rules as follows.

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

23 To the extent the administrative motion seeks permission to seal the entirety of
24 Exhibits 1, 6, 13 - 15, and 23 to the Michael Declaration, Exhibits 2 - 4 to the Storer
25 Declaration, Exhibit 14 to the Oman Declaration, and the text in the Opposition appearing
26 at lines eleven to seventeen on page three and lines one to five on page fifteen, the Court
27 finds good cause has been shown, and, accordingly, the motion is hereby GRANTED.

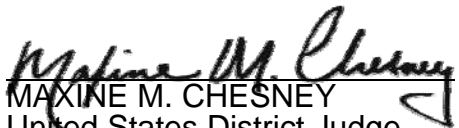
28 To the extent the administrative motion seeks permission to seal the entirety of

1 Exhibits 7 - 9, 11, 12, and 16 - 19 to the Michael Declaration, Exhibit 2 to the Walker
2 Declaration, and portions of the Opposition other than Synopsys's confidential material
3 referenced above, the motion is hereby DENIED, as ATopTech has not shown such
4 material is confidential. Synopsys is hereby DIRECTED to file in the public record, no later
5 than March 25, 2016, unredacted versions of said exhibits and a version of the Opposition
6 in which only Synopsys's confidential material is redacted.

7 To the extent the administrative motion seeks permission to seal the entirety of
8 Exhibits 1 and 5 to the Storer Declaration, Exhibit 1 to the Walker Declaration, and Exhibit
9 A to the Napper Declaration, the request is overbroad, as those exhibits appear to contain
10 substantial amounts of non-sealable material. In lieu of denial, the Court hereby DEFERS
11 ruling on said exhibits, pending Synopsys's filing, no later than March 25, 2016, a version of
12 each said exhibit in which the redactions are limited to sealable material. Pending the
13 Court's ruling on Synopsys's filing, said exhibits shall remain under seal.

14 **IT IS SO ORDERED.**

15 Dated: March 11, 2016


MAXINE M. CHESNEY
United States District Judge

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