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4	UNITED STA	TES DISTRICT COURT
5	NORTHERN DIS	STRICT OF CALIFORNIA
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7	EXELTIS USA INC.,	Case No. <u>17-cv-04810-HSG</u>
8	Plaintiff,	ORDER GRANTING IN PART AND
9	v.	DENYING IN PART MOTIONS TO SEAL
10	FIRST DATABANK, INC.,	Re: Dkt. Nos. 167, 179,
11	Defendant.	
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Pending before the Court are the parties' administrative motions to file under seal portions of documents in connection with motions for summary judgment and Daubert motions. The Court **GRANTS IN PART** and **DENIES IN PART** the motions for the reasons described below.

I. LEGAL STANDARD

Courts generally apply a "compelling reasons" standard when considering motions to seal documents. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting Kamakana v. City & Cty. of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006)). "This standard derives from the common law right 'to inspect and copy public records and documents, including judicial records and documents." Id. (quoting Kamakana, 447 F.3d at 1178). "[A] strong presumption in favor of access is the starting point." Kamakana, 447 F.3d at 1178 (quotations omitted). To overcome this strong presumption, the party seeking to seal a judicial record attached to a dispositive motion must "articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process" and "significant public events." Id. at 1178–79 (quotations omitted). "In general, 'compelling reasons' sufficient to outweigh the public's interest in disclosure and justify sealing court records exist when such 'court files might have become a

vehicle for improper purposes,' such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." Id. at 1179 (quoting Nixon v. *Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)). "The mere fact that the production of records may lead to a litigant's embarrassment, incrimination, or exposure to further litigation will not, without more, compel the court to seal its records." Id.

Civil Local Rule 79-5 supplements the "compelling reasons" standard. The party seeking to file under seal must submit "a request that establishes that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law The request must be narrowly tailored to seek sealing only of sealable material" Civil L.R. 79-5(b). Courts have found that "confidential business information" in the form of "license agreements, financial terms, details of confidential licensing negotiations, and business strategies" satisfies the "compelling reasons" standard. See In re Qualcomm Litig., No. 3:17-cv-0108-GPC-MDD, 2017 WL 5176922, at *2 (S.D. Cal. Nov. 8, 2017) (observing that sealing such information "prevent[ed] competitors from gaining insight into the parties' business model and strategy"); Finisar Corp. v. Nistica, Inc., No. 13-cv-03345-BLF (JSC), 2015 WL 3988132, at *5 (N.D. Cal. June 30, 2015).

Records attached to nondispositive motions must meet the lower "good cause" standard of Rule 26(c) of the Federal Rules of Civil Procedure, as such records "are often unrelated, or only tangentially related, to the underlying cause of action." See Kamakana, 447 F.3d at 1179-80 (quotations omitted). This requires a "particularized showing" that "specific prejudice or harm will result" if the information is disclosed. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1210–11 (9th Cir. 2002); see also Fed. R. Civ. P. 26(c). "Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning" will not suffice. Beckman Indus., Inc. v. Int'l Ins. Co., 966 F.2d 470, 476 (9th Cir. 1992) (quotation omitted).

II. DISCUSSION

Because the parties seek to seal portions and documents which pertain to summary
judgment motions, the Court applies the compelling reasons standard to these documents. The
Court applies the lower good cause standard for those documents related to the parties' Daubert

United States District Court

motions.

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As indicated in the table below, the only proffered justification for sealing many of the documents is that the information was designated as "confidential" or "confidential – attorneys" eyes only" by either Plaintiff or Defendant pursuant to the parties' protective order. But a designation of confidentiality is not sufficient to establish that a document is sealable. See Civ. L. R. 79-5(d)(1)(A). "Confidential" is merely the parties' initial designation of confidentiality to establish coverage under the stipulated protective order. See Verinata Health, Inc. v. Ariosa Diagnostics, Inc., No. 12-cv-05501-SI, 2015 WL 5117083, at *5 (N.D. Cal. Aug. 31, 2015) ("But good cause 'cannot be established simply by showing that the document is subject to a protective order or by stating in general terms that the material is considered to be confidential") (quoting Bain v. AstraZeneca LP, No. 09-cv-4147, 2011 WL 482767, at *1 (N.D. Cal. Feb. 7, 2011)). Thus, many of the parties' motions do not comply with Civil Local Rule 79-5(d)(1)(A). In addition, in many instances the designating party for the materials did not comply with Civil Local Rule 79-5(e)(1), because they did not file a declaration within four days of the motion. See Civ. L.R. 79-5(e)(1). The Court finds that sealing is not warranted as to those documents. The parties also appear to have omitted some exhibits, either as public or under seal versions, so the Court could not make a determination about whether sealing is warranted in those circumstances.

18 Nevertheless, the Court finds that as to the remaining documents, the parties have narrowly 19 tailored their requested redactions to confidential and proprietary business, sales, or licensing 20information, including the identities of the customers who subscribe to Defendant's database and Defendant's financial performance and company strategy. The public release of these documents 21 22 could give non-party competitors an unfair advantage in the development or marketing of rival 23 products. See In re Elec. Arts, Inc., 298 F. App'x 568, 569 (9th Cir. 2008) (ordering sealing where documents could be used "as sources of business information that might harm a litigant's 24 competitive standing") (quoting Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 598 (1978)). 25 Thus, the Court finds that the parties have in those circumstances established either compelling 26 reasons or good cause to grant the motions to file under seal. See, e.g., Linex Techs., Inc. v. 27 28 Hewlett-Packard Co., No. C 13-159 CW, 2014 WL 6901744 (N.D. Cal. Dec. 8, 2014); Apple Inc.

v. Samsung Elecs. Co., Ltd., No. 11-CV-01846-LHK, 2012 WL 6115623 (N.D. Cal. Dec. 10, 2012).

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Docket No.	Document	Portion(s) Sought to be	Ruling
Public /(Sealed)		Sealed	
	Dkt. No. 167 – GRANTED I		
Dkt. No. 168/	Defendant's Motion for	Excerpts	DENIED
167-5)	Summary Judgment		(No supporting
			declaration filed. See
			Civ. L.R. 79-5(e)(1).)
Dkt. No. 170/	Motion to Exclude the	Excerpts	DENIED
(167-9)	Purported Expert Report		(No supporting
	and Testimony of Norman		declaration filed. See
	Smith		Civ. L.R. 79-5(e)(1).)
Okt. No. 169/	Motion to Exclude the	Excerpts	DENIED
(167-7)	Purported Testimony of		(No supporting
	Kevin Gorospe		declaration filed. See
			Civ. L.R. 79-5(e)(1).
Dkt. No. 171-8/	Exhibit H to the	Entire Document	DENIED
(167-12)	Declaration of Ravi V.		(No supporting
	Sitwala in Support of		declaration filed. See
	Defendant's Motions for		Civ. L.R. 79-5(e)(1).
	Summary Judgment and		
	to Strike Expert		
	Testimony		
Dkt. No. 171-9/	Exhibit I to the	Entire Document	DENIED
(167-13)	Declaration of Ravi V.		(No supporting
	Sitwala in Support of		declaration filed. See
	Defendant's Motions for		Civ. L.R. 79-5(e)(1).
	Summary Judgment and		
	to Strike Expert		
	Testimony		
Dkt. No. 171-11/	Exhibit K to the	Entire Document	DENIED
(167-14)	Declaration of Ravi V.		(No supporting
	Sitwala in Support of		declaration filed. See
	Defendant's Motions for		Civ. L.R. 79-5(e)(1).
	Summary Judgment and		
	to Strike Expert		
DL N 171 12/	Testimony		DENIED
Dkt. No. 171-12/	Exhibit L to the	Entire Document	DENIED
(167-15)	Declaration of Ravi V.		(No supporting
	Sitwala in Support of		declaration filed. See
	Defendant's Motions for		Civ. L.R. 79-5(e)(1).
	Summary Judgment and		
	to Strike Expert		
	Testimony		

1	Dkt. No. 171-13/	Exhibit M to the	Entire Document	DENIED
1	(167-16)	Declaration of Ravi V.		(No supporting
2		Sitwala in Support of Defendant's Motions for		declaration filed. See Civ. L.R. 79-5(e)(1).)
3		Summary Judgment and		CIV. L.K. 79-3(e)(1).)
5		to Strike Expert		
4		Testimony		
5	Dkt. No. 171-14/	Exhibit N to the	Entire Document	DENIED
	(167-17)	Declaration of Ravi V.		(No supporting
6		Sitwala in Support of Defendant's Motions for		declaration filed. See Civ. L.R. 79-5(e)(1).)
7		Summary Judgment and		CIV. L.K. 79-5(C)(1).)
		to Strike Expert		
8		Testimony		
9	Dkt. No. 171-15/	Exhibit O to the	Entire Document	DENIED
10	(167-18)	Declaration of Ravi V.		(No supporting declaration filed. See
10		Sitwala in Support of Defendant's Motions for		Civ. L.R. 79-5(e)(1).)
11		Summary Judgment and		
10		to Strike Expert		
12		Testimony		
13	Dkt. No. 171-16/	Exhibit P to the	Entire Document	DENIED
1.4	(167-19)	Declaration of Ravi V. Sitwala in Support of		(No supporting declaration filed. See
14		Defendant's Motions for		Civ. L.R. 79-5(e)(1).)
15		Summary Judgment and		
16		to Strike Expert		
10		Testimony		
17	Dkt. No. 171-17/	Exhibit Q to the	Entire Document	DENIED
18	(167-20)	Declaration of Ravi V. Sitwala in Support of		(No supporting declaration filed. See
10		Defendant's Motions for		Civ. L.R. 79-5(e)(1).)
19		Summary Judgment and		
20		to Strike Expert		
20		Testimony		
21	Dkt. No. 171-18/	Exhibit R to the Declaration of Ravi V.	Entire Document	DENIED
22	(167-21)	Sitwala in Support of		(No supporting declaration filed. See
		Defendant's Motions for		Civ. L.R. 79-5(e)(1).)
23		Summary Judgment and		
24		to Strike Expert		
		Testimony		
25	Dkt. No. 171-19/	Exhibit S to the	Entire Document	DENIED
26	(167-22)	Declaration of Ravi V. Sitwala in Support of		(No supporting declaration filed. See
		Defendant's Motions for		Civ. L.R. 79-5(e)(1).)
27		Summary Judgment and		
28		to Strike Expert		
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_ [Testimony		
2	Dkt. No. 171-20/ (167-23)	Exhibit T to the Declaration of Ravi V. Sitwala in Support of	Entire Document	DENIED (No supporting declaration filed. See
}		Defendant's Motions for Summary Judgment and to Strike Expert		Civ. L.R. 79-5(e)(1).)
5 -		Testimony		
	Dkt. No. 171-21/ (167-24)	Exhibit U to the Declaration of Ravi V.	Entire Document	DENIED
5	(107-24)	Sitwala in Support of Defendant's Motions for		(No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
3		Summary Judgment and to Strike Expert		
)		Testimony		
)	Dkt. No. 171-22/ (167-25)	Exhibit V to the Declaration of Ravi V.	Entire Document	DENIED (No supporting
		Sitwala in Support of Defendant's Motions for		declaration filed. See Civ. L.R. 79-5(e)(1).)
2		Summary Judgment and to Strike Expert		
3 -	DI . N. 171.00/	Testimony		
L	Dkt. No. 171-23/ (167-26)	Exhibit W to the Declaration of Ravi V.	Entire Document	DENIED (No supporting
5		Sitwala in Support of Defendant's Motions for		declaration filed. See Civ. L.R. 79-5(e)(1).)
5		Summary Judgment and to Strike Expert		
7	Dkt. No. 171-26/	Testimony Exhibit Z to the	Entire Document	DENIED
3	(167-27)	Declaration of Ravi V.	Entre Document	(No supporting
)		Sitwala in Support of Defendant's Motions for		declaration filed. See Civ. L.R. 79-5(e)(1).)
)		Summary Judgment and to Strike Expert		
	D1. 1. 151.00/	Testimony		
2	Dkt. No. 171-29/ (167-28)	Exhibit CC to the Declaration of Ravi V.	Entire Document	DENIED (No supporting
3		Sitwala in Support of Defendant's Motions for		declaration filed. See Civ. L.R. 79-5(e)(1).)
L		Summary Judgment and to Strike Expert		
5	Dirt No. 171 20/	Testimony Exhibit MM to the	Entino Do guar ant	
5	Dkt. No. 171-39/ (167-29)	Declaration of Ravi V.	Entire Document	DENIED (No supporting
7		Sitwala in Support of Defendant's Motions for		declaration filed. See Civ. L.R. 79-5(e)(1).)

	to Strike Expert Testimony		
Dkt. No. 171-41/	Exhibit OO to the	Entire Document	DENIED
(167-29)	Declaration of Ravi V.		(No supporting
	Sitwala in Support of		declaration filed. Se
	Defendant's Motions for		Civ. L.R. 79-5(e)(1).
	Summary Judgment and		
	to Strike Expert Testimony		
Dkt. No. 171-43/	Exhibit QQ to the	Excerpts	GRANTED
(167-30)	Declaration of Ravi V.	LACIPIS	(Contains proprietar)
(10) 00)	Sitwala in Support of		business information
	Defendant's Motions for		about Defendant's
	Summary Judgment and		subscribers. See Dk
	to Strike Expert		No. 167-2.)
Dkt. No. 171-44/	Testimony Exhibit RR to the	Entire Document	GRANTED IN
(167-31)	Declaration of Ravi V.	Entire Document	PART and DENIE
(107 51)	Sitwala in Support of		IN PART
	Defendant's Motions for		(Pages 14 and 15
	Summary Judgment and		contain proprietary
	to Strike Expert		business information
	Testimony		about Defendant's
			subscribers. However, no
			supporting
			declaration filed as t
			the rest of the
			document. See Civ.
			L.R. 79-5(e)(1).)
	Dkt. No. 179 – GRANTED		
Dkt. No. 180/		Page 4:13–17	GRANTED
(179-2)		Page 5:2–21 Page 6:3–6, 12–25	(Contains proprietary business information
		Page 0.5–0, 12–25 Page 7:1–12, 17–28	about Defendant's
		Page 8:1–6	subscribers. See Dkt
		Page 12:11–13	Nos. 184, 185.)
		Page 15:5–17, 20–23	
		Page 16:1–8, 1–28	
		Page 17:1, 4–7, 11–16	
		Page 20:2	
		Page 22:3–28 Page 23:1–9	
		Page 24:1–4, 14–28	
		Page 25:1–7	
		Page 26:1–26	
		Page 27:1–4	
		Page 30:15–17	

		Page 33:8–9, 28	
		Page 34:1–23	
(179-3)	Exhibit 2 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIEI IN PART (Granted only as to the text that contains proprietary business information identifying
(179-4)	Exhibit 3 to the Declaration of Benjamin	Entire Document	Defendant's customers. See Dkt. Nos. 184, 185.) GRANTED IN PART and DENIEI
	M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment		IN PART (Granted only as to the text that contains proprietary business information
(179-5)	Exhibit 8 to the	Entire Document	identifying Defendant's customers. See Dkt. Nos. 184, 185.) GRANTED
(179-3)	Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entre Document	(Contains proprietary business information about Plaintiff's contracts with third parties. See Dkt. No 179-1.)
(179-6)	Exhibit 9 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Plaintiff's contracts with third parties. See Dkt. No. 179-1.)
(179-7)	Exhibit 10 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Plaintiff's contracts with third parties. See Dkt. No 179-1.)
(179-8)	Exhibit 11 to the Declaration of Benjamin M. Mundel in Support of	Entire Document	GRANTED (Contains proprietary business information

	Plaintiff's Opposition to the Motion for Summary Judgment		about Plaintiff's contracts with third parties. See Dkt. No. 179-1.)
N/A	Exhibit 12 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No public or sealed version of the document for review.)
(179-9)	Exhibit 13 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Plaintiff's contracts with third parties. See Dkt. No. 179-1.)
(179-10)	Exhibit 16 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-11)	Exhibit 17 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Defendant's subscribers. See Dkt. Nos. 184, 191.)
(179-12)	Exhibit 18 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED (Contains proprietary business information about Defendant's financial performance and company strategy. See Dkt. No. 184.)
(179-13)	Exhibit 19 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)

1 2	(179-14)	Exhibit 20 to the Declaration of Benjamin M. Mundel in Support of	Entire Document	GRANTED IN PART and DENIED IN PART
3		Plaintiff's Opposition to the Motion for Summary		(Granted only as to the text that contains
4		Judgment		proprietary business
5				information identifying Defendant's
6				customers. See Dkt. Nos. 184, 185.)
7	(179-15)	Exhibit 21 to the	Entire Document	GRANTED IN
8		Declaration of Benjamin M. Mundel in Support of		PART and DENIED IN PART
9		Plaintiff's Opposition to the Motion for Summary		(Granted only as to the text that contains
10		Judgment		proprietary business
11				information identifying
12				Defendant's customers and
13				regarding customer
14				contracts. See Dkt. Nos. 184, 185.)
15	(179-16)	Exhibit 22 to the Declaration of Benjamin	Entire Document	GRANTED IN PART and DENIED
16		M. Mundel in Support of		IN PART
10		Plaintiff's Opposition to the Motion for Summary		(Granted only as to the text that contains
1/		-		• • • •
10		Judgment		proprietary business
18		Judgment		information identifying
19		Judgment		information
19 20	(170, 17)			information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
19	(179-17)	Exhibit 23 to the Declaration of Benjamin	Entire Document	information identifying Defendant's customers. See Dkt.
19 20	(179-17)	Exhibit 23 to the Declaration of Benjamin M. Mundel in Support of	Entire Document	information identifying Defendant's customers. See Dkt. Nos. 184, 185.) DENIED (No supporting declaration filed. See
19 20 21	(179-17)	Exhibit 23 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary	Entire Document	information identifying Defendant's customers. See Dkt. Nos. 184, 185.) DENIED (No supporting
19 20 21 22	(179-17)	Exhibit 23 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to	Entire Document Entire Document	information identifying Defendant's customers. See Dkt. Nos. 184, 185.) DENIED (No supporting declaration filed. See
 19 20 21 22 23 		Exhibit 23 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment Exhibit 24 to the Declaration of Benjamin		information identifying Defendant's customers. See Dkt. Nos. 184, 185.) DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).) DENIED (No supporting
 19 20 21 22 23 24 		Exhibit 23 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment Exhibit 24 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to		information identifying Defendant's customers. See Dkt. Nos. 184, 185.) DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).) DENIED
 19 20 21 22 23 24 25 		Exhibit 23 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment Exhibit 24 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary		information identifying Defendant's customers. See Dkt. Nos. 184, 185.) DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).) DENIED (No supporting declaration filed. See
 19 20 21 22 23 24 25 26 		Exhibit 23 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment Exhibit 24 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to		information identifying Defendant's customers. See Dkt. Nos. 184, 185.) DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).) DENIED (No supporting declaration filed. See

1		Declaration of Benjamin		PART and DENIED
1		M. Mundel in Support of		IN PART
2		Plaintiff's Opposition to		(Granted only as to
2		the Motion for Summary		the text that contains
3		Judgment		proprietary business information
4				identifying
				Defendant's
5				customers. See Dkt.
6				Nos. 184, 185.)
U	(179-20)	Exhibit 28 to the	Entire Document	DENIED
7		Declaration of Benjamin		(No supporting
8		M. Mundel in Support of		declaration filed. See
0		Plaintiff's Opposition to		Civ. L.R. 79-5(e)(1).)
9		the Motion for Summary		
10	(179-21)	Judgment Exhibit 29 to the	Entire Document	GRANTED IN
10	(17)-21)	Declaration of Benjamin	Entrie Document	PART and DENIED
11		M. Mundel in Support of		IN PART
10		Plaintiff's Opposition to		(Granted only as to
12		the Motion for Summary		the text that contains
13		Judgment		proprietary business
				information
14				identifying Defendant's
15				customers. See Dkt.
				Nos. 184, 185.)
16	(179-22)	Exhibit 30 to the	Entire Document	DENIED
17		Declaration of Benjamin		(No supporting
		M. Mundel in Support of		declaration filed. See
18		Plaintiff's Opposition to		Civ. L.R. 79-5(e)(1).)
19		the Motion for Summary Judgment		
	(179-23)	Exhibit 32 to the	Entire Document	DENIED
20	(17) 23)	Declaration of Benjamin		(No supporting
21		M. Mundel in Support of		declaration filed. See
		Plaintiff's Opposition to		Civ. L.R. 79-5(e)(1).)
22		the Motion for Summary		
23		Judgment		
23	(179-24)	Exhibit 33 to the	Entire Document	GRANTED
24		Declaration of Benjamin M. Mundel in Support of		(Contains proprietary business information
25		Plaintiff's Opposition to		relating to the
43		the Motion for Summary		operations of
26		Judgment		Defendant. See Dkt.
27				Nos. 90, 184, 185.)
Δ1	(179-25)	Exhibit 34 to the	Entire Document	DENIED
28		Declaration of Benjamin		(No supporting
			11	

	M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment		declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-26)	Exhibit 35 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
N/A	Exhibit 36 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No public or sealed version of the document for review.)
(179-27)	Exhibit 37 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-28)	Exhibit 39 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-29)	Exhibit 40 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt.
		12	

			Nos. 184, 185.)
(179-30)	Exhibit 41 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	Nos. 184, 185.)GRANTED INPART and DENIEDIN PART(Granted only as tothe text that containsproprietary businessinformationidentifyingDefendant'scustomers. See Dkt.Nos. 184, 185.)
(179-31)	Exhibit 42 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-32)	Exhibit 48 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-33)	Exhibit 49 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-34)	Exhibit 51 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
(179-35)	Exhibit 52 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
(179-36)	Exhibit 53 to the	Entire Document	GRANTED IN

1		Declaration of Benjamin		PART and DENIED
1		M. Mundel in Support of		IN PART
2		Plaintiff's Opposition to		(Granted only as to
		the Motion for Summary		the text that contains
3		Judgment		proprietary business
4				information
•				identifying Defendant's
5				customers. See Dkt.
6				Nos. 184, 185.)
0	(179-37)	Exhibit 54 to the	Entire Document	GRANTED IN
7		Declaration of Benjamin		PART and DENIED
0		M. Mundel in Support of		IN PART
8		Plaintiff's Opposition to		(Granted only as to
9		the Motion for Summary		the text that contains
		Judgment		proprietary business
10				information
11				identifying Defendant's
11				customers. See Dkt.
12				Nos. 184, 185.)
13	(179-38)	Exhibit 55 to the	Entire Document	GRANTED IN
15		Declaration of Benjamin		PART and DENIED
14		M. Mundel in Support of		IN PART
1.7		Plaintiff's Opposition to		(Granted only as to
15		the Motion for Summary		the text that contains
16		Judgment		proprietary business information
				identifying
17				Defendant's
18				customers. See Dkt.
				Nos. 184, 185.)
19	(179-39)	Exhibit 56 to the	Entire Document	GRANTED IN
20		Declaration of Benjamin		PART and DENIED
20		M. Mundel in Support of		IN PART
21		Plaintiff's Opposition to		(Granted only as to
22		the Motion for Summary		the text that contains
<i>LL</i>		Judgment		proprietary business information
23				identifying
24				Defendant's
24				customers. See Dkt.
25				Nos. 184, 185.)
	(179-40)	Exhibit 57 to the	Entire Document	GRANTED IN
26		Declaration of Benjamin		PART and DENIED
27		M. Mundel in Support of		IN PART
		Plaintiff's Opposition to the Motion for Summary		(Granted only as to the text that contains
28	<u> </u>	The worldn for Summary		
			14	

1		Judgment		proprietary business information
2				identifying
				Defendant's customers. See Dkt.
3				Nos. 184, 185.)
4	(179-41)	Exhibit 58 to the	Entire Document	GRANTED IN
5		Declaration of Benjamin M. Mundel in Support of		PART and DENIED IN PART
6		Plaintiff's Opposition to		(Granted only as to
		the Motion for Summary		the text that contains
7		Judgment		proprietary business information
8				identifying
9				Defendant's
10				customers. See Dkt. Nos. 184, 185.)
	(179-42)	Exhibit 59 to the	Entire Document	GRANTED IN
11		Declaration of Benjamin		PART and DENIED
12		M. Mundel in Support of Plaintiff's Opposition to		IN PART (Granted only as to
13		the Motion for Summary		the text that contains
		Judgment		proprietary business information
14				identifying
15				Defendant's
16				customers. See Dkt. Nos. 184, 185.)
17	(179-43)	Exhibit 60 to the	Entire Document	GRANTED
		Declaration of Benjamin		(Contains proprietary
18		M. Mundel in Support of Plaintiff's Opposition to		business information and survey responses
19		the Motion for Summary		with demographic
20		Judgment		information. See Dkt.
21	(179-44)	Exhibit 61 to the	Entire Document	No. 179-1.) DENIED
		Declaration of Benjamin		(No supporting
22		M. Mundel in Support of		declaration filed. See Circ I. P. 70, $5(2)(1)$
23		Plaintiff's Opposition to the Motion for Summary		Civ. L.R. 79-5(e)(1).)
24		Judgment		
25	(179-45)	Exhibit 63 to the Declaration of Benjamin	Entire Document	GRANTED IN PART and DENIED
		M. Mundel in Support of		IN PART
26		Plaintiff's Opposition to		(Granted only as to the text that contains
27		the Motion for Summary Judgment		proprietary business
28				information
			15	

1 2				identifying Defendant's customers. See Dkt. Nos. 184, 185.)
3 4 5	(179-46)	Exhibit 64 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
6		the Motion for Summary Judgment		
7 8 9	(179-47)	Exhibit 65 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
10 11 12 13	(179-48)	Exhibit 66 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
13 14 15 16 17 18 19	(179-49)	Exhibit 67 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)
20 21 22	(179-50)	Exhibit 68 to the Declaration of Benjamin M. Mundel in Support of Plaintiff's Opposition to the Motion for Summary Judgment	Entire Document	DENIED (No supporting declaration filed. See Civ. L.R. 79-5(e)(1).)
23 24	(179-51)	Exhibit 69 to the Declaration of Benjamin	Entire Document	GRANTED IN PART and DENIED
25		M. Mundel in Support of Plaintiff's Opposition to		IN PART (Granted only as to
26 27		the Motion for Summary Judgment		the text that contains proprietary business information identifying
28			16	Defendant's

			customers. See Dkt.
(170.52)			Nos. 184, 185.)
(179-52)	Exhibit 72 to the	Entire Document	GRANTED
	Declaration of Benjamin		(Contains proprietary business information
	M. Mundel in Support of		about Defendant's
	Plaintiff's Opposition to the Motion for Summary		contracts with third-
	Judgment		party customers. See
	Judgment		Dkt. Nos. 184, 185.)
(179-53)	Exhibit 73 to the	Entire Document	GRANTED
(17) 55)	Declaration of Benjamin	Little Document	(Contains proprietary
	M. Mundel in Support of		business information
	Plaintiff's Opposition to		about Defendant's
	the Motion for Summary		contracts with third-
	Judgment		party customers. See
			Dkt. Nos. 184, 185.)
(179-54)	Exhibit 74 to the	Entire Document	GRANTED
	Declaration of Benjamin		(Contains proprietary
	M. Mundel in Support of		business information
	Plaintiff's Opposition to		about Defendant's
	the Motion for Summary		contracts with third-
	Judgment		party customers. See
(170.55)			Dkt. Nos. 184, 185.)
(179-55)	Exhibit 75 to the	Entire Document	GRANTED
	Declaration of Benjamin M. Mundel in Support of		(Contains proprietary business information
	Plaintiff's Opposition to		about Defendant's
	the Motion for Summary		contracts with third-
	Judgment		party customers. See
	C		Dkt. Nos. 184, 185.)
(179-56)	Exhibit 78 to the	Entire Document	DENIED
	Declaration of Benjamin		(No supporting
	M. Mundel in Support of		declaration filed. See
	Plaintiff's Opposition to		Civ. L.R. 79-5(e)(1).)
	the Motion for Summary		
(179-57)	Judgment Exhibit 79 to the	Entire Document	GRANTED IN
(1/9-37)	Declaration of Benjamin	Entire Document	PART and DENIED
	M. Mundel in Support of		IN PART
	Plaintiff's Opposition to		(Granted only as to
	the Motion for Summary		the text that contains
	Judgment		proprietary business
	_		information
			identifying
			Defendant's
			customers. See Dkt.
		1	
(179-58)	Exhibit 80 to the	Entire Document	Nos. 184, 185.) GRANTED IN

Northern District of California United States District Court

1		Declaration of Benjamin		PART and DENIED
1		M. Mundel in Support of		IN PART
2		Plaintiff's Opposition to		(Granted only as to
2		the Motion for Summary		the text that contains
3		Judgment		proprietary business information
4				identifying
				Defendant's
5				customers. See Dkt.
6				Nos. 184, 185.)
0	(179-59)	Exhibit 81 to the	Entire Document	GRANTED IN
7		Declaration of Benjamin		PART and DENIED
0		M. Mundel in Support of		IN PART
8		Plaintiff's Opposition to		(Granted only as to
9		the Motion for Summary		the text that contains
10		Judgment		proprietary business information
10				identifying
11				Defendant's
				customers. See Dkt.
12				Nos. 184, 185.)
13	(179-60)	Exhibit 82 to the	Entire Document	GRANTED IN
15		Declaration of Benjamin		PART and DENIED
14		M. Mundel in Support of		IN PART
15		Plaintiff's Opposition to		(Granted only as to
15		the Motion for Summary		the text that contains
16		Judgment		proprietary business information
17				identifying
17				Defendant's
18				customers. See Dkt.
				Nos. 184, 185.)
19	(179-61)	Exhibit 83 to the	Entire Document	GRANTED IN
20		Declaration of Benjamin		PART and DENIED
		M. Mundel in Support of		IN PART
21		Plaintiff's Opposition to the Motion for Summary		(Granted only as to the text that contains
22		Judgment		proprietary business
				information
23				identifying
24				Defendant's
∠4				customers. See Dkt.
25				Nos. 184, 185.)
26	(179-62)	Exhibit 84 to the	Entire Document	DENIED
26		Declaration of Benjamin		(No supporting declaration filed. See
27		M. Mundel in Support of Plaintiff's Opposition to		Civ. L.R. $79-5(e)(1)$.)
20		the Motion for Summary		$C_{1}, L_{1}, \gamma^{-} J(C)(1).)$
28	<u></u>	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	1	I
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	(179-63)	JudgmentExhibit 85 to theDeclaration of BenjaminM. Mundel in Support ofPlaintiff's Opposition tothe Motion for SummaryJudgment	Entire Document	GRANTED IN PART and DENIED IN PART (Granted only as to the text that contains proprietary business information identifying Defendant's customers. See Dkt. Nos. 184, 185.)	
	III. CONCLU	SION			
	The Court GRANTS IN PART and DENIES IN PART the parties' administrative				
	motions to file under seal. Pursuant to Civil Local Rule 79-5(f)(1), documents filed under seal as				
	to which the administrative motions are granted will remain under seal. The Court DIRECTS the				
	parties to file public versions of all documents for which the proposed sealing has been denied, as				
	indicated in the chart above, within seven days from the date of this order.				
	IT IS SO ORDERED.				
	Dated: 6/1/2020			Λ Λ	
			Haywood S.	sell f.	
			HAYWOOD S. GILLIAM, United States District Judge	JR.	
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