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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

A10 NETWORKS, INC.,
a California corporation,

Plaintiff,

v.

BROCADE COMMUNICATIONS
SYSTEMS, INC., a Delaware corporation; F5
NETWORKS, INC., a Washington corporation,

Defendants.

Case No.: 5:11-CV-05493-LHK

ORDER GRANTING MOTIONS TO
FILE UNDER SEAL

Before the Court are three administrative motions to file under seal portions of the briefs and exhibits related to Brocade’s pending motion to dismiss. ECF Nos. 62 (“Brocade’s first sealing motion”), 68 (“A10’s sealing motion”), 70 (“Brocade’s second sealing motion”). Pursuant to Civil Local Rule 79-5(a), an order authorizing the sealing of a particular document or portion of a particular document “may issue only upon a request that establishes that the document, or portions thereof, is privileged or protectable as trade secret or otherwise entitled to protection under the law.” The Court rules on each of these motions in turn.

A. Brocade’s First Sealing Motion

Brocade’s first sealing motion seeks leave, pursuant to Local Rules 7-11 and 79-5(b), to file under seal the following: the entirety of Exhibit B and portions of Exhibit C to the Declaration of

1 Teri H.P. Nguyen in support of Brocade’s first sealing motion. ECF No. 62-1. Exhibit B is a
2 January 31, 2011 Patent Assignment Agreement (“PAA”) between A10 Networks, Inc.-Taiwan and
3 the Industrial Technology Research Institute. *Id.* ¶ 2. Exhibit C is Brocade’s memorandum of
4 points and authorities in support of its motion to dismiss A10’s first amended complaint. *Id.*
5 Exhibit B was produced under the protective order and designated by A10 as “Highly Confidential
6 - Outside Counsel’s Eyes Only.” *Id.* ¶ 3. The portions of Exhibit C Brocade seeks to file under
7 seal reference Exhibit B. *Id.*

8 On February 3, 2012, A10 filed the Declaration of Mark A. Flagel in support of Brocade’s
9 first sealing motion pursuant to Local Rule 79-5(d) (“Flagel Declaration I”). ECF No. 65. A10
10 contends that Exhibit B contains “confidential, sensitive and proprietary information that could be
11 used by A10’s competitors and others to the detriment of A10, should this document be released to
12 the general public.” *Id.* ¶ 2. A10 further argues that proposed redacted portions of Exhibit C refer
13 to and disclose the “confidential, sensitive and proprietary information” contained in Exhibit B.

14 Exhibit B, the PAA, contains confidential terms agreed to by A10 Networks, Inc.-Taiwan
15 and the Industrial Technology Research Institute. The Court has reviewed Exhibit B and concludes
16 that it is sealable in its entirety because it contains confidential, sensitive and proprietary
17 information that could harm A10 if publicly released. The Court has also reviewed the proposed
18 redactions to Exhibit C and finds that the proposed redactions are narrowly tailored and sealable
19 because they quote from or otherwise reference information in Exhibit B. Accordingly, the Court
20 GRANTS Brocade’s First Sealing Motion. Brocade shall file Exhibits B and C under seal by
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refer to and disclose the confidential, sensitive, and proprietary information contained in the PAA, which, as discussed above, the Court finds sealable. Accordingly, the Court GRANTS A10's sealing motion. A10 shall file its opposition and the Liang Declaration under seal by

May 29, 2012