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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINISAR CORPORATION,
Plaintiff,
v.
NISTICA, INC.,
Defendant.

Case No. [13-cv-03345-BLF](#)

**ORDER GRANTING
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

[Re: ECF 141]

Before the Court is plaintiff Finisar Corporation’s Administrative Motion to File Under Seal, whereby Plaintiff seeks to seal portions of its motion to dismiss or strike portions of defendant Nistica’s Second Amended Answer, as well as Exhibit B in support thereof. Admin. Mot., ECF 141.

Plaintiff represents that Exhibit B is a confidential settlement agreement entered between Plaintiff and Defendant in 2009, and that the portions of its motion sought to be sealed “addresses, quotes from, and cites to” this confidential agreement. *Id.* at 4; *see also* Decl. of Robin M. Davis ¶¶ 2-3, ECF 141-1. The 2009 settlement agreement contains a confidentiality provision prohibiting both parties from publicly disclosing the terms of the agreement. Admin. Mot. 4.


The Court finds pursuant to *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172 (9th Cir. 2006) and Civil Local Rule 79-5(b) that compelling reasons weigh in favor of granting Plaintiff’s sealing request, and that the redacted portions of Plaintiff’s brief are narrowly tailored to only the sealable material.

Plaintiff’s Administrative Motion to File Under Seal is accordingly GRANTED. The unredacted version of Plaintiff’s motion (ECF 141-4) and Exhibit B in support thereof (ECF 141-6) shall remain under seal.

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IT IS SO ORDERED.

Dated: January 13, 2015


BETH LABSON FREEMAN
United States District Judge