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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FINISAR CORPORATION,

Plaintiff,

v.

NISTICA, INC.,

Defendant.

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

**ORDER ON ADMINISTRATIVE
MOTIONS TO FILE UNDER SEAL**

Re: Dkt. Nos. 219, 222, 224

Now pending before the Court are Finisar’s three administrative motions to file under seal briefing and documents regarding three discovery disputes. (Dkt. Nos. 219, 222, 224.) Having considered Finisar’s submissions, the Court GRANTS the motions to seal.

There is a presumption of public access to judicial records and documents. *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). “It is well-established that the fruits of pre-trial discovery are, in the absence of a court order to the contrary, presumptively public. [Federal Rule of Civil Procedure] 26(c) authorizes a district court to override this presumption where ‘good cause’ is shown.” *San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1103 (9th Cir. 1999). Sealing is appropriate only where the requesting party “establishes that the document, or portions thereof is privileged or protectable as a trade secret or otherwise entitled to protection under the law.” N.D. Cal. Civ. L.R. 79-5(a). A party must “narrowly tailor” its request to sealable material only. *Id.*

Finisar’s first administrative motion (Dkt. No. 219) seeks to seal Exhibits 6 and 8 submitted in connection with the parties’ joint Letter Brief in Support of Finisar’s Motion to Compel Nistica to Install Software Tools for Viewing and Searching Produced Source Code. As these documents contain confidential, technical information about Nistica’s software—

1 information that the Court has already deemed properly sealable—the motion to seal is
2 GRANTED.

3 Finisar’s second administrative motion (Dkt. No. 222) seeks to seal Exhibits J, K, 6, 7, and
4 8 submitted in connection with the parties’ joint Letter Brief in Support of Finisar’s Motion for an
5 Order to Compel 30(b)(6) Testimony from Nistica and Certain Related Documents. The five
6 exhibits contain confidential information and/or testimony about Nistica’s financial records and its
7 WSS and line cards used in its Accused Devices. The Court has repeatedly found good cause to
8 seal such material. Accordingly, the motion to seal these exhibits is GRANTED.

9 Finisar’s third administrative motion (Dkt. No. 224) seeks to seal portions of Finisar’s
10 individual Letter Brief for an Order to Compel Nistica to Supplement Interrogatory Responses and
11 Produce Documents and Exhibits A, H J, K, and L submitted in support thereof. These exhibits all
12 contain confidential information and/or testimony about the technical details of Nistica’s WSS and
13 line card products, including amended infringement contentions and discovery responses that the
14 Court has already found properly sealable. The proposed redactions in the letter brief are narrowly
15 tailored to seal only information that discloses this confidential information. Accordingly, the
16 motion to seal is GRANTED.

17 **IT IS SO ORDERED.**

18 Dated: July 8, 2015

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21 JACQUELINE SCOTT CORLEY
22 United States Magistrate Judge
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