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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 DEFENDANT'S
MOTION TO SEAL EXHIBITS 1 AND 2
TO THE BISCONTI DECLARATION**

On November 24, 2015, the Court denied without prejudice Defendant's request to seal Exhibits 1 and 2 to the Bisconti Declaration in support of Defendant's Motion for Summary Judgment because Defendant's declaration in support of sealing did not provide sufficient reasons to seal these exhibits. ECF 337. On December 2, 2015, Defendant filed a second declaration in support of sealing Exhibits 1 and 2 to the Bisconti Declaration. ECF 348.

Courts recognize a "general right to inspect and copy public records and documents, including judicial records and documents." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Two standards govern motions to seal documents, a "compelling reasons" standard, which applies to most judicial records, and a "good cause" standard, which applies to "private materials unearthed during discovery." *Cf. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002). A party that seeks to seal portions of supporting documents to a motion for summary judgment must meet the "compelling reasons" standard articulated in *Phillips*.

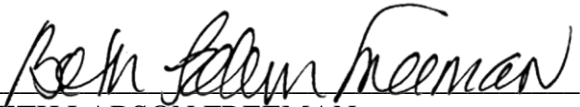
Defendant has met the compelling reasons standard here. According to the second declaration in support of sealing, Exhibits 1 and 2 to the Bisconti Declaration contain confidential, trade secret, and proprietary information relating to its accused products including highly sensitive financial, manufacturing, and shipping information. ECF 348 at 1-2. The public disclosure of this

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information has the potential to cause competitive harm to Defendant. *Id.* Because this material is sealable, Defendant's request to redact this information is appropriate under Civil Local Rule 79-5(b). The Court has reviewed the redactions and finds them to be narrowly tailored, as required by Civil Local Rule 79-5(d)(1)(C). As such, Defendant's motion to seal Exhibits 1 and 2 to the Bisconti Declaration is GRANTED.

IT IS SO ORDERED.

Dated: December 3, 2015


BETH LABSON FREEMAN
United States District Judge