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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](#)

**OMNIBUS ORDER REGARDING
SEALING MOTIONS**

[Re: ECF 689, 695, 698]

Before the Court are the parties’ administrative motions to file under seal portions of their briefing and exhibits in connection with their post-trial briefing. ECF 689, 695, and 698. For the reasons stated below, the motions are GRANTED.

I. LEGAL STANDARD

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097.

In addition, sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are

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sealable.” *Id.*

II. DISCUSSION

The Court has reviewed the parties’ sealing motions and respective declarations in support thereof. The Court finds the parties have articulated compelling reasons to seal the submitted documents. The proposed redactions are also narrowly tailored. The Court’s rulings on the sealing request are set forth in the tables below:

A. ECF 689

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Finisar’s Renewed Motion for JMOL Pursuant to 50(b) and Motion for New Trial Pursuant to 59(a)	Quotes to and references below exhibits	GRANTED
Exhibit A	Contains confidential and proprietary technical details regarding Nistica’s products, including citations, quotations, discussion, and figures taken from Nistica documents	GRANTED
Exhibits B and C	Confidential and proprietary technical details regarding Nistica’s and Finisar’s products that could cause significant competitive harm to Finisar and Nistica if disclosed to the public	GRANTED
Exhibits D and E	Simulated image Nistica claims was generated through use of confidential and proprietary technical models representing Nistica’s products	GRANTED
Exhibit G	This exhibit cites to, describes, and attaches as exhibits screenshots generated through use of confidential and proprietary technical models	GRANTED

B. ECF 695

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Opposition to Finisar’s Renewed Motion for JMOL Pursuant to 50(b) and Motion for New Trial Pursuant to 59(a)	Contain confidential information about Nistica's confidential, trade secret, and proprietary product information relating to its	GRANTED

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	accused products, development projects, and engineering practices.	
Exhibits 1-4	Contains confidential information about Nistica's confidential, trade secret, and proprietary product information relating to its accused products, development projects, and engineering practices.	GRANTED

C. ECF 698

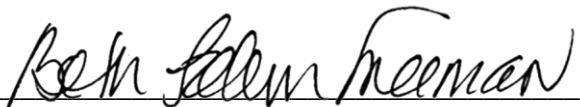
Identification of Documents to be Sealed	Description of Documents	Court's Order
Reply to Finisar's Renewed Motion for JMOL Pursuant to 50(b) and Motion for New Trial Pursuant to 59(a)	Quotes from, and cites sealed trial testimony concerning Nistica's confidential and proprietary technical information	GRANTED
Exhibit K	Describes, quotes from, and cites Nistica's technical documents. Disclosure of this information could expose Nistica's confidential and proprietary technical information and other competitively sensitive information to the public, potentially resulting in significant competitive harm to Nistica	GRANTED

III. ORDER

For the foregoing reasons, the sealing motions at ECF 689, 695, and 698 are GRANTED.

IT IS SO ORDERED.

Dated: August 17, 2016


 BETH LABSON FREEMAN
 United States District Judge