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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

RICHARD A. WILLIAMSON,

Plaintiff,

GOOGLE LLC.

Defendant.

v.

Case No. <u>15-cv-00966-BLF</u>

OMNIBUS ORDER RE SEALING REQUESTS

[Re: ECF 296, 300, 304, 307, 317, 320]

Before the Court are the parties' respective administrative motions to file under seal portions of Plaintiff's motion for summary judgment and exhibits, the parties' opposition briefs and exhibits, and the parties' reply briefs and exhibits. ECF 296, 300, 304, 307, 317, 320. For the reasons stated below, Defendant's motions are GRANTED; and Plaintiff's motions are GRANTED IN PART and DENIED IN PART.

I. LEGAL STANDARD

18 "Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents." Kamakana v. City & Cty. Of 19 Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v. Warner Commc'ns, Inc., 435 20 21 U.S. 589, 597 & n. 7 (1978)). Accordingly, when considering a sealing request, "a 'strong presumption in favor of access' is the starting point." Id. (quoting Foltz v. State Farm Mut. Auto. 22 23 Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). Parties seeking to seal judicial records relating to 24 motions that are "more than tangentially related to the underlying cause of action" bear the burden of overcoming the presumption with "compelling reasons" that outweigh the general history of 25 access and the public policies favoring disclosure. Ctr. for Auto Safety v. Chrysler Grp., 809 F.3d 26 1092, 1099 (9th Cir. 2016); Kamakana, 447 F.3d at 1178-79. 27

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However, "while protecting the public's interest in access to the courts, we must remain

1 mindful of the parties' right to access those same courts upon terms which will not unduly harm 2 their competitive interest." Apple Inc. v. Samsung Elecs. Co., Ltd., 727 F.3d 1214, 1228-29 (Fed. 3 Cir. 2013). Records attached to motions that are "not related, or only tangentially related, to the merits of a case" therefore are not subject to the strong presumption of access. Ctr. for Auto 4 Safety, 809 F.3d at 1099; see also Kamakana, 447 F.3d at 1179 ("[T]he public has less of a need 5 for access to court records attached only to non-dispositive motions because those documents are 6 7 often unrelated, or only tangentially related, to the underlying cause of action."). Parties moving 8 to seal the documents attached to such motions must meet the lower "good cause" standard of 9 Rule 26(c). Kamakana, 447 F.3d at 1179 (internal quotations and citations omitted). This standard requires a "particularized showing," id., that "specific prejudice or harm will result" if the 10 11 information is disclosed. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1210-11 (9th Cir. 2002); see Fed. R. Civ. P. 26(c). "Broad allegations of harm, unsubstantiated by 12 13 specific examples of articulated reasoning" will not suffice. Beckman Indus., Inc. v. Int'l Ins. Co., 14 966 F.2d 470, 476 (9th Cir. 1992). A protective order sealing the documents during discovery 15 may reflect the court's previous determination that good cause exists to keep the documents sealed, see Kamakana, 447 F.3d at 1179-80, but a blanket protective order that allows the parties 16 to designate confidential documents does not provide sufficient judicial scrutiny to determine 17 18 whether each particular document should remain sealed. See Civ. L.R. 79-5(d)(1)(A) ("Reference 19 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 sealable."). 20In addition to making particularized showings of good cause, parties moving to seal 21

documents must comply with the procedures established by Civ. L.R. 79-5. Pursuant to Civ. L.R. 79-5(b), a sealing order is appropriate only upon a request that establishes the document is "sealable," or "privileged or protectable as a trade secret or otherwise entitled to protection under the law." "The request must be narrowly tailored to seek sealing only of sealable material, and must conform with Civil L.R. 79-5(d)." Civ. L.R. 79-5(b). In part, Civ. L.R. 79-5(d) requires the submitting party to attach a "proposed order that is narrowly tailored to seal only the sealable material" which "lists in table format each document or portion thereof that is sought to be

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sealed," Civ. L.R. 79-5(d)(1)(b), and an "unredacted version of the document" that indicates "by highlighting or other clear method, the portions of the document that have been omitted from the redacted version." Civ. L.R. 79-5(d)(1)(d). "Within 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable." Civ. L.R. 79-5(e)(1).

II. DISCUSSION

The Court has reviewed the parties' sealing motions and the declarations of the designating parties submitted in support thereof. The Court finds that the parties have articulated compelling reasons to seal certain portions of the submitted documents. The proposed redactions are generally narrowly tailored. The Court's rulings on the sealing requests are set forth in the tables below.

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United States District Court

<u>ECF</u> <u>No.</u>	Document to be Sealed:	Result	<u>Reasoning</u>
296-4	Plaintiff's Motion for Summary Judgment	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-1).	The proposed redacted portion contain highly confidential information relating to the design and operation of Google's ad display architect and infrastructure. Mehta De ¶ 6, ECF 303. Disclosure of such information would prov an unfair business advantage competitors. Id. ¶¶ 4, 6.
		DENIED as to remainder.	The remainder is denied beca Google, the designating party does not represent that the remaining portions should be sealed. Mehta Decl. \P 6.
300-3 ¹	Excerpts from Report of Plaintiff's Expert, Dr. Kevin C. Almeroth	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-2).	The proposed redacted portion contain highly confidential information relating to the design and operation of Google's ad display architect and infrastructure. Mehta De

¹ This document has replaced ECF 296-5. See Plaintiff's Motion at ECF 300.

<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
			¶ 7, ECF 303. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 7.
		DENIED as to remainder.	The remainder is denied becaus Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. \P 7.
300-4 ²	Appendix F to the Report of Plaintiff's Expert, Dr. Kevin C. Almeroth	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-3).	The proposed redacted portions contain highly confidential information relating to the design and operation of Google's ad display architectur and infrastructure. Mehta Decl. ¶ 8, ECF 303. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 8.
		DENIED as to remainder.	The remainder is denied becaus Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. \P 8.
300-5 ³	Appendix G to the Report of Plaintiff's Expert, Dr. Kevin C. Almeroth	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-4).	The proposed redacted portions contain highly confidential information relating to the design and operation of Google's ad display architectur and infrastructure. Mehta Decl. ¶ 9, ECF 303. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 9.
		DENIED as to remainder.	The remainder is denied becaus Google, the designating party, does not represent that the remaining portions should be

<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
			sealed. Mehta Decl. ¶ 9.
300-6	Excerpts from Rebuttal Report of Plaintiff's Expert, Dr. Kevin C. Almeroth, Concerning Validity of U.S. Patent Nos. 6,014,698 and 6,286,045	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-5).	The proposed redacted portions contain highly confidential information relating to the design and operation of Google's ad display architecture and infrastructure. Mehta Decl. ¶ 10, ECF 303. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 10.
		DENIED as to remainder.	The remainder is denied because Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 10.
296-9	Ex. 2 to the Rebuttal Report of Plaintiff's Expert, Dr. Kevin C. Almeroth, Concerning Validity of U.S. Patent Nos. 6,014,698 and 6,286,045	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 11.
296- 10	Excerpts from the Rebuttal Expert Report of Michael J. Freedman	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-6).	The proposed redacted portions contain highly confidential information relating to the design and operation of Google's ad display architecture and infrastructure. Mehta Decl. ¶ 12, ECF 303. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 12.
		DENIED as to remainder.	The remainder is denied because Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 12.
296-	Excerpts from the Deposition of Michael Freedman	GRANTED as to proposed redacted	The proposed redacted portions contain highly confidential

⁴ This document has replaced ECF 296-8. *See* Plaintiff's Motion at ECF 300. 5

3Google, the designating party (ECF 303-7).design and operation of Google's ad display ar and infrastructure. Med 9 (13, ECF 303. Disclo such information woul an unfair business advi competitors. Id. ¶¶ 4, 178DENIED as to remainder.The remainder is denic Google, the designatin does not represent that remaining portions sho sealed. Mehta Decl. ¶10296- 12Excerpts from the Deposition of David ChristianGRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-8).The remainder is denic Google, the designatin does not represent that remaining portions sho sealed. Mehta Decl. ¶14DENIED as to proposed redacted portions submitted by Google, the designating party (ECF 303-8).The proposed redacted notrain highly confide information relating to designating party (ECF 303-8).14DENIED as to remainder.The remainder is denic Google, the designatin design and operation of design and operation of Google, the designatin does not represent that remaining portions sho such information woul an unfair business advi competitors. Id. ¶¶ 4, 117DENIED as to remainder.The remainder is denic Google, the designatin does not represent that remaining portions sho sealed. Mehta Decl. ¶19296- 13Excerpts from the Deposition of Nathan LucashGRANTED as to proposed redacted portions submitted by Google, theThe proposed redacted contain highly confide information relating to design and operation of design and operation of21296- 13Excerpts from the Deposition 	<u>Reasoning</u>	<u>Result</u>	Document to be Sealed:	ECF No.	1
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11296- 12Excerpts from the Deposition of David ChristianGRANTED as to proposed redacted 	naining portions should be lled. Mehta Decl. ¶ 13.				
1212131314141515161617171818192020296- 1321296- 1322296- 1323Excerpts from the Deposition 	e proposed redacted portions		1 1		
13designating party (ECF 303-8).Google's ad display ar and infrastructure. Mel ¶ 14, ECF 303. Disclo such information woul an unfair business adva competitors. Id. ¶¶ 4, 116DENIED as to remainder.The remainder is denied Google, the designatin does not represent that remaining portions sho sealed. Mehta Decl. ¶20296- 13Excerpts from the Deposition of Nathan LucashGRANTED as to proposed redacted portions submitted by Google, theThe proposed redacted contain highly confide information relating to design and operation of	ormation relating to the	portions submitted by			12
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Google, the design and operation of	e proposed redacted portions ntain highly confidential		1 1		
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designating party (ECF Google's ad display ar	ogle's ad display architecture d infrastructure. Mehta Decl.				
¶ 15, ECF 303. Disclo	5, ECF 303. Disclosure of ch information would provide				
	unfair business advantage to				25
	e remainder is denied because				26
does not represent that	bogle, the designating party, es not represent that the	remainder.			
28 remaining portions sho	naining portions should be				28

<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
			sealed. Mehta Decl. ¶ 15.
296- 14	Excerpts from the Deposition of Peter Alexander	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-10).	The proposed redacted portions contain highly confidential information relating to the design and operation of Google's ad display architecture and infrastructure. Mehta Decl. ¶ 16, ECF 303. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 16.
		DENIED as to	The remainder is denied becaus
		remainder.	Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 16.
296-	Excerpts from Expert Report	GRANTED as to	The proposed redacted portions
15	of Peter Alexander	proposed redacted portions submitted by	contain highly confidential information relating to the
		Google, the designating party (ECF 303-11).	design and operation of Google's ad display architectur and infrastructure. Mehta Decl.
			¶ 17, ECF 303. Disclosure of such information would provid an unfair business advantage to competitors. Id. ¶¶ 4, 17.
		DENIED as to remainder.	The remainder is denied becaus Google, the designating party, does not represent that the
			remaining portions should be sealed. Mehta Decl. ¶ 17.
296-	Document produced by	DENIED.	Google, the designating party,
16	Google bearing Bates numbers		states that it does not seek to seal this document. Mehta Dec
	GOOG_WAH_00109209- GOOG_WAH_00109211		¶ 18.
296- 17	Document produced by Google bearing Bates numbers GOOG_WAH_00188557- GOOG_WAH_00188568	GRANTED.	The proposed redacted portions contain highly confidential information relating to the design and operation of Google's ad display architectur

1	<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
2 3				¶ 19, ECF 303. Disclosure of such information would provide an unfair business advantage to
4				competitors. Id. ¶¶ 4, 19.
5	296- 18	Document produced by Google bearing Bates numbers	GRANTED.	The proposed redacted portions contain highly confidential information relating to the
6		GOOG_WAH_SC_10000720,		design and operation of
7		GOOG_WAH_SC_10000783, GOOG_WAH_SC_10000789,		Google's ad display architecture and infrastructure. Mehta Decl.
8		and		¶ 20, ECF 303. Disclosure of
9 10		GOOG_WAH_SC_10000799		such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 20.
11	296- 19	Excerpts from the Deposition of Phillip Lindsay	GRANTED.	The proposed redacted portions contain highly confidential
12	17			information relating to the
13				design and operation of Google's ad display architecture
14				and infrastructure. Mehta Decl. ¶ 21, ECF 303. Disclosure of
15				such information would provide an unfair business advantage to
16				competitors. Id. ¶¶ 4, 21.
17	296- 20	Document produced by Google bearing Bates	DENIED.	Google, the designating party, states that it does not seek to
18	20	numbers		seal this document. Mehta Decl.
19		GOOG_WAH_00050818- GOOG_WAH_00050826		¶ 22.
20	296-	Document produced by	DENIED.	Google, the designating party,
21	21	Google bearing Bates numbers		states that it does not seek to seal this document. Mehta Decl.
22		GOOG_WAH_00052835- GOOG_WAH_00052842		¶ 23.
23	296-	Document produced by	DENIED.	Google, the designating party,
24	22	Google bearing Bates numbers		states that it does not seek to seal this document. Mehta Decl.
25		GOOG_WAH_00049250- GOOG_WAH_00049257		¶ 24.
26	296-	Document produced by	DENIED.	Google, the designating party,
27	23	Google bearing Bates numbers		states that it does not seek to seal this document. Mehta Decl. \P 25.
28			8	<i>∥ 2J</i> .

<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
	GOOG_WAH_00049021- GOOG_WAH_00049066		
296- 24	Document produced by Google bearing Bates numbers GOOG_WAH_00056617- GOOG_WAH_00056662	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 26.
296- 25	Document produced by Google bearing Bates numbers GOOG_WAH_00050368 – GOOG_WAH_00050378	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 27.
296- 26	Document produced by Google bearing Bates numbers GOOG_WAH_00049258- GOOG_WAH_00049265	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl ¶ 28.
296- 27	Document produced by Google bearing Bates numbers GOOG_WAH_00055251- GOOG_WAH_00055260	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl ¶ 29.
296- 28	Document produced by Google bearing Bates numbers GOOG_WAH_00050193- GOOG_WAH_00050207	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl ¶ 30.
296- 29	Document produced by Google bearing Bates numbers GOOG_WAH_00048837- GOOG_WAH_00048854	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl ¶ 31.
296- 30	Excerpts from the Deposition Allen Merriman	GRANTED as to proposed redacted	The proposed redacted portions contain highly confidential
		portions submitted by Google, the	information relating to Google's source code. Mehta Decl. ¶ 32,
		designating party (ECF 303-12).	ECF 303. Disclosure of such information would provide an
		DENJED	unfair business advantage to competitors. Id. ¶¶ 4, 32.
		DENIED as to remainder.	The remainder is denied becaus

<u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
			Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 32.
296- 31	Excerpts from the Deposition of Mehdi Daoudi	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 33.
296- 32	Document entitled "DoubleClick, Inc., Confidential Business Plan"	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 34.
296- 33	Excerpts from Exhibit E from the Expert Report of Peter Alexander	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 303-13).	The proposed redacted portions contain highly confidential information relating to Google's source code. Mehta Decl. ¶ 35, ECF 303. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 35.
		DENIED as to remainder.	The remainder is denied because Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 35.
296- 34	Document produced by Google bearing Bates numbers GOOG_WAH_00070764- GOOG_WAH_00070844	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 36.
296- 35	Document produced by Google bearing Bates numbers GOOG_WAH_00138665- GOOG_WAH_00138666	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 37.
296- 36	Excerpts from the Deposition of Tom Shields	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl.

<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	Reasoning
296- 37	Exhibit E to Rebuttal Expert Report of Michael J. Freedman	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 39.
296- 38	Excerpts from the Expert Report of Laura B. Stamm	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. \P 40.
296- 39	Document produced by Google bearing Bates numbe GOOG_WAH_00075824	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. \P 41.
I	B. ECF 304 (Plaintiff's M	otion as to Plaintiff's Op	pposition and Exhibits)
ECF No.	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
304-4	Plaintiff's Opposition and Cross-Motion to Defendant Google LLC's Motion for Summary Judgment	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 310-1).	The proposed redacted portions contain highly confidential information relating to Google's ad display architecture and infrastructure. Mehta Decl. ¶ 6, ECF 310. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 6.
		DENIED as to remainder.	The remainder is denied because Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 6.
304-5	Excerpts from the Deposition Transcript of Aparna Pappu	GRANTED as to proposed redacted portions submitted by	The proposed redacted portions contain highly confidential information relating to Google's
		Google, the designating party (ECF 310-2).	ad display architecture and infrastructure. Mehta Decl. ¶ 7,
			ECF 310. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 7.
		DENIED as to	
		remainder.	The remainder is denied because

1		<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
2 3 4					Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 7.
5		304-6	Google Patent License, Sale and Assignment	GRANTED.	The proposed redacted portions contain highly confidential
6			Agreement bearing production Bates numbers		financial information relating to a third-party license agreement.
7 8			GOOG_WAH_00134638- GOOG_WAH_00134673		Mehta Decl. ¶ 8, ECF 310. Disclosure of such information
9					would provide an unfair business advantage to competitors. Id. ¶¶ 4, 8.
10 11		304-7	Excerpts from the Deposition Transcript of Tom Shields	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 9.
12	-	304-8	Excerpts from Appendix	GRANTED as to	The proposed redacted portions
13			F to the Report of Plaintiff's Expert	proposed redacted portions submitted by	contain highly confidential information relating to Google's
14			Dr. Kevin C. Almeroth	Google, the designating	ad display architecture and
15				party (ECF 310-3).	infrastructure. Mehta Decl. ¶ 10, ECF 310. Disclosure of such information would provide an
16 17					unfair business advantage to competitors. Id. ¶¶ 4, 10.
18				DENIED as to	The remainder is denied because
19				remainder.	Google, the designating party, does not represent that the
20					remaining portions should be sealed. Mehta Decl. ¶ 10.
21		304-9	Excerpts from a document	GRANTED.	The proposed redacted portions
22			entitled: "Company Disclosure Schedule"		contain highly confidential financial information relating to a
23			dated April 13, 2007 and produced by Google		third-party merger agreement. Mehta Decl. ¶ 11, ECF 310.
24			bearing production Bates numbers		Disclosure of such information would provide an unfair business
25			GOOG_WAH_00099914,		advantage to competitors. Id. ¶¶ 4,
26			00099934-38, 00099946- 75, 00100015, and		11.
27			00100025-26		
28					

1	<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	Reasoning
2	304-10	Excerpts from a document	GRANTED.	The proposed redacted portions
3		entitled: "Agreement and Plan of Merger By and		contain highly confidential financial information relating to a
4		Among Google Inc., Whopper Acquisition		third-party merger agreement. Mehta Decl. ¶ 11, ECF 310.
5		Corp. and Click Holdings Corp. dated April 13,		Disclosure of such information would provide an unfair business
7		2007 and produced by Google bearing		advantage to competitors. Id. ¶¶ 4, 11.
8		production Bates numbers GOOG_WAH_00069938,		
9		00069944, 00069946, 00069955, 00069961-62,		
10		00069965-68, 00069999- 00070000		
11 12	304-11	Excerpts from the Deposition Transcript of Kevin C. Almeroth	GRANTED as to proposed redacted	The proposed redacted portions contain highly confidential
13		Kevin C. Almerotn	portions submitted by Google, the designating	information relating to Google's source code. Mehta Decl. ¶ 12,
14			party (ECF 310-4).	ECF 310. Disclosure of such information would provide an
15				unfair business advantage to competitors. Id. ¶¶ 4, 12.
16 17			DENIED as to remainder.	The remainder is denied because Google, the designating party,
18				does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 12.
19	304-12	Excerpts from the Expert	DENIED.	Google, the designating party,
20		Report of Peter Alexander		states that it does not seek to seal this document. Mehta Decl. \P 13.
21 22	304-13	Excerpts from the Rebuttal Report of	DENIED.	Google, the designating party, states that it does not seek to seal
22		Plaintiff's Expert, Dr. Kevin C. Almeroth		this document. Mehta Decl. \P 14.
24	304-14	Excerpts from the	DENIED.	Google, the designating party,
25		Deposition Transcript of Peter Alexander		states that it does not seek to seal this document. Mehta Decl. ¶ 15.
26	304-15	Excerpts from the Report of Plaintiff's Expert,	GRANTED as to proposed redacted	The proposed redacted portions contain highly confidential
27 28		Dr. Kevin C. Almeroth	portions submitted by	information relating to Google's ad display architecture and
20				·

1		ECF <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
2 3 4 5				Google, the designating party (ECF 310-5).	infrastructure. Mehta Decl. ¶ 16, ECF 310. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 16.
6 7 8				DENIED as to remainder.	The remainder is denied because Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 16.
9 10		304-16	Excerpts from the Deposition Transcript of Dwight Merriman	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 17.
11 12		304-17	Excerpts from the Rebuttal Expert Report of Michael J. Freedman	GRANTED as to proposed redacted portions submitted by	The proposed redacted portions contain highly confidential information relating to Google's
13				Google, the designating party (ECF 310-6).	ad display architecture and infrastructure. Mehta Decl. ¶ 18, ECF 310. Disclosure of such
14 15					information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 18.
16 17 18 19				DENIED as to remainder.	The remainder is denied because Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 18.
20 21		304-18	Excerpts from the Expert Report of Laura B. Stamm	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 19.
22 23		304-19	Excerpts from a document entitled: How did DoubleClick get here?	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 20.
24 25			Produced by Google bearing production Bates numbers GOOG_WAH_00227661,		
26 27 28		304-20	GOOG_WAH_00227680 Excerpts from the Deposition Transcript of Michael Kleber	GRANTED as to proposed redacted portions submitted by	The proposed redacted portions contain highly confidential information relating to Google's
28	L			14	

<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
		Google, the designating party (ECF 310-7).	ad display architecture and infrastructure. Mehta Decl. ¶ 21 ECF 310. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 21.
		DENIED as to remainder.	The remainder is denied becaus Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 21.
C.	ECE 307 (Defendents)	Motion as to Defendant	s' Opposition and Exhibits)
<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
307-4	Google LLC's Opposition to Plaintiff's Motion for Summary Judgment and Motion to Strike	GRANTED as to the highlighted portions.	The proposed redacted portions contain highly confidential information relating to the desig and operation of Google's ad display architecture and infrastructure. Dowd Decl. ¶ 6, ECF 307-1. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 6.
307-6	Exhibit 3 to the Declaration of Matthias A. Kamber in support of Defendant Google LLC's Opposition to Plaintiff's Motion for Summary Judgment and Motion to Strike	GRANTED as to the highlighted portions.	The proposed redacted portions contain highly confidential information relating to the desig and operation of Google's ad display architecture and infrastructure. Dowd Decl. ¶ 7, ECF 307-1. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 7.

ECF No.	Document to be Sealed:	<u>Result</u>	Reasoning
	Judgment and Motion to Strike		ECF 307-1. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 8.
307-10	Exhibit 5 to the Declaration of Matthias	GRANTED as to the highlighted portions.	The proposed redacted portions contain highly confidential
	A. Kamber in support of Defendant Google LLC's Opposition to Plaintiff's		information relating to the design and operation of Google's ad display architecture and
	Motion for Summary		infrastructure. Dowd Decl. ¶ 9,
	Judgment and Motion to Strike		ECF 307-1. Disclosure of such information would provide an unfair business advantage to
			competitors. Id. ¶¶ 4, 9.
307-11	Exhibit 6 to the Declaration of Matthias	GRANTED as to the entire document.	The proposed redaction contains highly confidential information
	A. Kamber in support of Defendant Google LLC's Opposition to Plaintiff's Motion for Summary Judgment and Motion to		relating to the design and operation of Google's ad display
			architecture and infrastructure.
			Dowd Decl. ¶ 10, ECF 307-1. Disclosure of such information
	Strike		would provide an unfair business advantage to competitors. Id. $\P\P^2$ 10.
307-13	Exhibit 7 to the	GRANTED as to the	The proposed redacted portions
	Declaration of Matthias A. Kamber in support of Defendant Google LLC's Opposition to Plaintiff's Motion for Summary Judgment and Motion to	highlighted portions.	contain highly confidential information relating to the design and operation of Google's ad display architecture and infrastructure. Dowd Decl. ¶ 11, ECF 307-1. Disclosure of such
	Strike		information would provide an unfair business advantage to
			competitors. Id. ¶¶ 4, 11.
307-14	Exhibit 8 to the Declaration of Matthias	GRANTED as to the entire document.	The proposed redaction contains highly confidential information
	A. Kamber in support of Defendant Google LLC's		relating to the design and operation of Google's ad display
	Opposition to Plaintiff's		architecture and infrastructure.
	Motion for Summary Judgment and Motion to Strike		Dowd Decl. ¶ 12, ECF 307-1. Disclosure of such information would provide an unfair business
			advantage to competitors. Id. $\P\P^2$ 12.
		16	

<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
	Exhibit 20 to the Declaration of Matthias A. Kamber in support of Defendant Google LLC's Opposition to Plaintiff's Motion for Summary Judgment and Motion to Strike	GRANTED as to the highlighted portions.	The proposed redacted portions contain highly confidential information relating to the design and operation of Google's ad display architecture and infrastructure. Dowd Decl. ¶ 13, ECF 307-1. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶¶ 4, 13.
D.	ECF 320 (Plaintiff's M	lotion as to Plaintiff's R	eply and Exhibits)
<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
320-4	Plaintiff's Reply in Support of Motion for Summary Judgment and	GRANTED as to proposed redacted portions submitted by	The proposed redacted portions contain highly confidential information relating to Google's
	to Strike	Google, the designating party (ECF 324-1).	source code. Mehta Decl. ¶ 1, ECF 324. Disclosure of such
			information would provide an unfair business advantage to competitors. Id. ¶ 1.
		DENIED as to remainder.	The remainder is denied because Google, the designating party,
			does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 1.
320-5	Excerpts from the Deposition of Peter	GRANTED as to proposed redacted	The proposed redacted portions contain highly confidential
	Alexander	portions submitted by Google, the designating	information relating to Google's source code. Mehta Decl. ¶ 2, ECF
		party (ECF 324-2).	324. Disclosure of such information would provide an
		1	luntair business advantage to
			unfair business advantage to competitors. Id. ¶ 2.
		DENIED as to remainder.	

1	ECF No.	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
2 3	320-6	Excerpts from the Deposition of Mark	DENIED.	Google, the designating party, states that it does not seek to seal
4	320-7	Scheele	DENIED.	this document. Mehta Decl. ¶ 3.
5	320-7	Excerpts from the Deposition of Phillip Lindsay	DENIED.	Google, the designating party, states that it does not seek to seal this document. Mehta Decl. ¶ 4.
6	320-8	A table regarding	GRANTED.	The proposed redacted portions
7		DoubleClick Source Code		contain highly confidential information relating to Google's
8				source code. Mehta Decl. ¶ 5, ECF 324. Disclosure of such
9 10				information would provide an unfair business advantage to competitors. Id. ¶ 5.
1	320-9	Excerpts from the	GRANTED as to	The proposed redacted portions
2		Deposition of Dwight Merriman	proposed redacted portions submitted by	contain highly confidential information relating to Google's
3			Google, the designating	ad display architecture and
14			party (ECF 324-3).	infrastructure. Mehta Decl. ¶ 6, ECF 324. Disclosure of such
15				information would provide an unfair business advantage to competitors. Id. ¶ 6.
16				
7			DENIED as to remainder.	The remainder is denied because Google, the designating party,
18 19				does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 6.
20	320-10	Excerpts from Google's	GRANTED.	The proposed redacted portions
21		Source Code Production		contain highly confidential information relating to Google's
22				source code. Mehta Decl. ¶ 7, ECF 324. Disclosure of such
23				information would provide an unfair business advantage to
24				competitors. Id. ¶ 7.
25	320-11	Excerpts from the Rebuttal Expert Report of Michael J. Freedman	DENIED.	Google, the designating party, states that it does not seek to seal this document. Make Deal ¶ 8
26	320-12	Excerpts from Plaintiff's	GRANTED as to	this document. Mehta Decl. ¶ 8. The proposed redacted portions
27 28	520-12	First Amended Infringement Claim	proposed redacted portions submitted by	contain highly confidential information relating to Google's
	L	1	18	

<u>No.</u>	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
	Charts for U.S. Patent 6,286,045	Google, the designating party (ECF 324-4).	ad display architecture and infrastructure. Mehta Decl. ¶ 9, ECF 324. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶ 9.
		DENIED as to remainder.	The remainder is denied because Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 9.
320-13	Excerpts from the Deposition of Alex Hioreanu	GRANTED as to proposed redacted portions submitted by Google, the designating party (ECF 324-5).	The proposed redacted portions contain highly confidential information relating to Google's ad display architecture and infrastructure. Mehta Decl. ¶ 10,
		purty (Der 52+5).	ECF 324. Disclosure of such information would provide an unfair business advantage to competitors. Id. ¶ 10.
		DENIED as to remainder.	The remainder is denied because Google, the designating party, does not represent that the remaining portions should be sealed. Mehta Decl. ¶ 10.
E.	ECF 317 (Defendants'	Motion as to Defendant	ts' Reply and Exhibits)
Е. <u>ЕСҒ</u> <u>No.</u>	ECF 317 (Defendants' Document to be Sealed:	Motion as to Defendant <u>Result</u>	ts' Reply and Exhibits) <u>Reasoning</u>
ECF	Document to be Sealed:Reply Brief in Support of Google LLC's Motion	Result	Reasoning The proposed redacted portions contain highly confidential
<u>ECF</u> <u>No.</u>	Document to be Sealed: Reply Brief in Support of	Result GRANTED as to the	Reasoning The proposed redacted portions contain highly confidential information relating to Google's strategic licensing practices. Down
<u>ECF</u> <u>No.</u>	Document to be Sealed:Reply Brief in Support of Google LLC's Motion	Result GRANTED as to the	ReasoningThe proposed redacted portions contain highly confidential information relating to Google's strategic licensing practices. Down Decl. ¶ 6, ECF 317-1. Disclosure of such information would provide an unfair business advantage to
<u>ECF</u> <u>No.</u>	Document to be Sealed:Reply Brief in Support of Google LLC's Motion	Result GRANTED as to the	Reasoning The proposed redacted portions contain highly confidential information relating to Google's strategic licensing practices. Down Decl. ¶ 6, ECF 317-1. Disclosure of such information would provide

III. ORDER

For the foregoing reasons, Defendant's motions at ECF 307 and ECF 317 are GRANTED; and Plaintiff's motions at ECF 296, ECF 300, ECF 304, and ECF 320 are GRANTED IN PART and DENIED IN PART.

For any request that has been denied, if the designating party has not already publicly submitted the properly redacted version of the documents, the submitting party must file the unredacted (or lesser redacted) documents into the public record no earlier than 4 days and no later than 10 days from the filing of this order. *See* Civ. L.R. 79-5(e)(2).

IT IS SO ORDERED.

Dated: October 26, 2018

beth fally heenan

BETH LABSON FREEMAN United States District Judge