

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FINJAN, INC.,
Plaintiff,
v.
BLUE COAT SYSTEMS, LLC,
Defendant.

Case No. 15-cv-03295-BLF

**OMNIBUS ORDER RE SEALING
MOTIONS**

[Re: ECF 245, 249]

Before the Court are two administrative motions to file under seal, one from Plaintiff Finjan, Inc. (“Finjan”) and one from Defendant Blue Coat Systems, LLC (“Blue Coat”). ECF 245, 249. Both relate to the reply briefing on the parties’ cross-motions for summary judgment. *See* ECF 245, 249. For the reasons set forth below, the parties’ 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 & 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

1 protective order that allows a party to designate certain documents as confidential is not sufficient
2 to establish that a document, or portions thereof, are sealable.” *Id.*

3 **II. DISCUSSION**

4 The Court has reviewed the parties’ sealing motions and the declarations submitted in
5 support thereof. The Court finds that the parties have articulated compelling reasons and good
6 cause to seal certain portions of the submitted documents. The proposed redactions are also
7 narrowly tailored. The Court’s rulings on the sealing requests are set forth in the tables below:

8 **A. ECF 245**

<u>ECF No.</u>	<u>Document to be Sealed</u>	<u>Result</u>	<u>Reasoning</u>
245-2	Blue Coat’s Reply in Support of its Motion for Summary Judgment	GRANTED as to highlighted portions.	Contains information relating to details of the internal operation of Blue Coat’s products, including backend systems related to those products, as well as Blue Coat’s confidential business operations. Declaration of Eugene Marder in Support of Administrative Motion to File Under Seal, ECF 245-1 (“Marder Blue Coat Sealing Decl.”) ¶¶ 5-9.
245-4	Ex. B to Marder Declaration in Support of Blue Coat’s Reply in Support of its Motion for Summary Judgment, ECF 247 (“Marder Decl.”)	GRANTED as to highlighted portions.	Contains references to highly confidential Blue Coat information regarding the ProxySG and SSLV products and their functionality, interoperability, operation, and architecture. Marder Blue Coat Sealing Decl.¶ 10.
245-6	Ex. C to Marder Decl.	GRANTED as to highlighted portions.	Contains references to highly confidential Blue Coat information regarding products and functionality, research projects, product architecture and operations, network infrastructure, and development thereof, including reference to Blue Coat’s backend systems. Marder Blue Coat Sealing Decl.¶ 11.

25 **B. ECF 249**

<u>ECF No.</u>	<u>Document to be Sealed</u>	<u>Result</u>	<u>Reasoning</u>

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

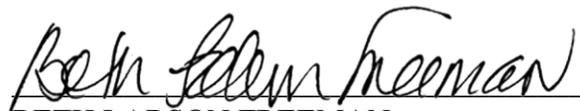
249-4	Finjan’s Reply in Support of its Motion for Summary Judgment	GRANTED as to highlighted portions.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology, and confidential aspects of Blue Coat’s business. Declaration of Eugene Marder in Support of Administrative Motion to File Under Seal, ECF 253 (“Marder Finjan Sealing Decl.”) ¶ 5.
249-	Ex. 1 to Martinez Declaration in Support of Finjan’s Reply in Support of its Motion for Summary Judgment, ECF 250-1 (“Martinez Decl.”)	GRANTED.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology, and confidential aspects of Blue Coat’s business. Marder Finjan Sealing Decl. ¶ 6.
249-	Ex. 2 to Martinez Decl.	GRANTED.	Contains highly confidential business information regarding Blue Coat’s offerings. Marder Finjan Sealing Decl. ¶ 7.
249-	Ex. 3 to Martinez Decl.	GRANTED.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology, and confidential aspects of Blue Coat’s business. Marder Finjan Sealing Decl. ¶ 8.
249-	Ex. 4 to Martinez Decl.	GRANTED.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology, and confidential aspects of Blue Coat’s business. Marder Finjan Sealing Decl. ¶ 9.
249-	Ex. 5 to Martinez Decl.	GRANTED.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology, and confidential aspects of Blue Coat’s business. Marder Finjan Sealing Decl. ¶ 10.
249-	Ex. 6 to Martinez Decl.	GRANTED.	Contains highly confidential technical information regarding Blue Coat’s proprietary technology, and confidential aspects of Blue Coat’s business. Marder Finjan Sealing Decl. ¶ 11.

III. ORDER

For the reasons set forth below, the parties’ motions are GRANTED.

IT IS SO ORDERED.

Dated: June 13, 2017


 BETH LABSON FREEMAN
 United States District Judge