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

DELPHIX CORP.,
Plaintiff,
v.
EMBARCADERO TECHNOLOGIES, INC.,
Defendant.

Case No. [16-cv-00606-BLF](#)

ORDER REGARDING MOTIONS TO SEAL

[Re: ECF 36, 37]

Before the Court are Embarcadero’s administrative motions to file under seal Exhibits 503 through 512 to the Reply Declaration of Chris Smith in Support of Embarcadero’s Motion to Dismiss. ECF 36, 37. 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

1 documents as confidential is not sufficient to establish that a document, or portions thereof, are
2 sealable.” *Id.*

3 **II. DISCUSSION**

4 The Court has reviewed the sealing motion and respective declaration in support thereof.
5 The Court finds Embarcadero has articulated compelling reasons to seal the submitted documents.
6 The proposed redactions are also narrowly tailored. The Court’s rulings on the sealing request are
7 set forth in the tables below:

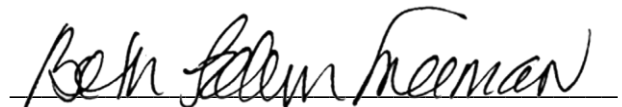
8 Identification of Documents to be Sealed	9 Description of Documents	10 Court’s Order
11 Exhibit 503	12 Refers to highly confidential information relating to the organizational structure of this privately held company	13 GRANTED
14 Exhibits 504-512	15 Copies of the resignations of the officers and directors of Embarcadero that resigned contemporaneously with the acquisition of Embarcadero on October 9, 2015 by Idera, Inc. and the appointment of the new Texas officers and directors. The names of these former officers and directors should be sealed to respect the privacy of those individuals. Copies of the resignations redacted to show the existence and text of the resignations will be filed publicly	16 GRANTED

17 **III. ORDER**

18 For the foregoing reasons, the sealing motions at ECF 36 and 37 are GRANTED.

19 **IT IS SO ORDERED.**

20 Dated: August 17, 2016

21 
22 BETH LABSON FREEMAN
23 United States District Judge