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3	UNITED ST	ATES DISTRICT COURT
4	NORTHERN I	DISTRICT OF CALIFORNIA
5	SAN	N JOSE DIVISION
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7	ARISTA NETWORKS, INC.,	Case No. 16-cv-00923-BLF
8	Plaintiff,	
9	v.	OMNIBUS ORDER RE: SEALING MOTIONS
10	CISCO SYSTEMS INC.,	[Re: ECF 208, 210, 216, 218, 233, 235, 237,
11	Defendant.	239, 249, 252, 256]
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Before the Court are the parties' administrative motions to file under seal portions of their briefing and exhibits in connection with the parties' motions for summary judgment and Daubert motions. ECF 208, 210, 216, 218, 233, 235, 237, 239, 249, 252, 256. For the reasons stated below, the motions are GRANTED IN PART AND DENIED IN PART without prejudice.

I. LEGAL STANDARD

"Historically, courts have recognized a 'general right to inspect and copy public records 18 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 U.S. 589, 597 & n. 7 (1978)). Accordingly, when considering a sealing request, "a 'strong 21 presumption in favor of access' is the starting point." Id. (quoting Foltz v. State Farm Mut. Auto. 22 Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). Parties seeking to seal judicial records relating to 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.

Northern District of California United States District Court

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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 20confidential is not sufficient to establish that a document, or portions thereof, are sealable."). In addition to making particularized showings of good cause, parties moving to seal

In addition to making particularized showings of good cause, parties moving to seal 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 2 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 3 Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 4 79-5(d)(1)(A) establishing that all of the designated material is sealable." Civ. L.R. 79-5(e)(1). 5

II. DISCUSSION

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The Court has reviewed Arista Networks, Inc. ("Arista") and Cisco Systems, Inc.'s ("Cisco") sealing motions and the declarations of the designating parties submitted in support. The Court finds that the parties have articulated compelling reasons to seal certain portions of the submitted documents. While the proposed redactions are, for the most part, narrowly tailored, some are not. The Court's rulings on the sealing requests are set forth in the tables below.

Result

Reasoning

Disclosure of such information

ia	12	A	ECF 208
United States District Court Northern District of California	13	<u>ECF</u> <u>No.</u>	Document to be Sealed:
itric of C	14	208-6	Exhibit A:
es Dis strict c	15		December 18, 2017, Expert Report of Fiona
Stat Dis	16		Scott Morton, Ph.D.
rthern	17		
D oN	18	208-7	Exhibit B:
	19		Transcript from the February 15, 2018,
	20		deposition of Dr. Scott Morton.
	21		
	22		

14 15 16 17	208-6	Exhibit A: December 18, 2017, Expert Report of Fiona Scott Morton, Ph.D.	GRANTED.	The parties' confidential information is discussed throughout the document. Seddon Decl. at ECF 208-1 \P 2. Disclosure of such information would harm Cisco's competitive standing. <i>Id</i> .
18	208-7	Exhibit B: Transcript from the	GRANTED as to 58:18– 59:2. DENIED as to the	Contains highly confidential and sensitive information relating to Arista. Disclosure of such
19		February 15, 2018,	remainder.	information would cause
20		deposition of Dr. Scott Morton.		competitive harm to Arista. Nelson Decl. at ECF 226 ¶ 3. The
21				remainder is denied because Arista has not indicated that those
22				portions of this document contain confidential information.
23	208-10	Exhibit E:	GRANTED.	Contains highly confidential and
24		Correspondence produced by Arista.		sensitive information relating to Arista. Disclosure of such
25				information would cause competitive harm to Arista. Nelson Decl. at ECF 226 ¶ 4.
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27	208-12	Exhibit G: February 2, 2018, Expert	GRANTED.	Contains highly confidential and sensitive information relating to the parties' financial information.
28		Report of Dennis Carlton		Disclosure of such information

<u>ECF</u> <u>No.</u>	Document to be Sealed:	Result		Reasoning
				would cause competitive harm to the parties. Seddon Decl. at ECF 208-1 ¶ 2; Nelson Decl. at ECF 226 ¶ 5.
208-13	Exhibit H: Transcript from the June 30, 2016, deposition of Dr. John R. Black.	DENIED.		Arista, the designating party, does not represent that the exhibit should be sealed. Seddon Decl. at ECF 208-1 ¶ 6; Nelson Decl. at ECF 226 ¶ 6.
208-4	Cisco's <i>Daubert</i> Motion to Exclude the Expert Opinion of Fiona Scott Morton, Ph.D.	DENIED without prejudice.		Proposed redactions are not narrowly tailored.
B				
<u>ECF</u> <u>No.</u>	Document to be Sealed:	<u>Result</u>		Reasoning
210-4	Plaintiff Arista Networks, Inc.'s Almeroth Daubert Motion	GRANTED as to highlighted portions at page 4, lines 10–14. DENIED as to the remainder.	sensit interr disclo cause Seddo	ains highly confidential and tive information relating to Cisco's al development strategies, osure of such information would competitive harm to Cisco. on Decl. at ECF 227 ¶ 18.
			the de that the sealed	emainder is denied because Cisco, esignating party, does not represent he remaining portions should be d. Seddon Decl. at ECF 227 ¶ 18; on Decl. at ECF 210-1 ¶¶ 3–4.
210-6	Plaintiff Arista Networks, Inc.'s Carlton Daubert Motion	GRANTED as to highlighted portions at "the Record Evidence" column of the table on pages 8	Conta sensit interr disclo cause	ains highly confidential and tive information relating to Cisco's hal development strategies, osure of such information would competitive harm to Cisco. on Decl. at ECF 227 ¶ 19.
		and 9. DENIED as to the remainder.	the de that the sealed	emainder is denied because Cisco, esignating party, does not represent he remaining portions should be d. Seddon Decl. at ECF 227 ¶ 19; on Decl. at ECF 210-1 ¶¶ 3–4.
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1 2 3 4 5 6	210-8	Plaintiff Arista Networks, Inc.'s Motion for Partial Summary Judgment	GRANTED as to highlighted portions at page 12, lines 24–27, page 14, lines 22, page 15, lines 5 and 7, and page 15 lines 10–11. DENIED as to the remainder.	Contains highly confidential and sensitive information relating to Cisco's financial information and investment strategies, disclosure of such information would cause competitive harm to Cisco. Seddon Decl. at ECF 227 ¶ 20. The remainder is denied because Cisco, the designating party, does not represent that the remaining portions should be sealed. Seddon Decl. at ECF 227 ¶ 20; Nelson Decl. at ECF 210-1 ¶¶ 3–4.
7	210-9, - 21	Exhibits 1, 14 to Declaration	GRANTED.	Contains highly confidential and sensitive information relating to the
8		of William P. Nelson in Support of Arista's		parties' financial information. Disclosure of such information would cause
9		Daubert Motions to Strike Expert Opinion		competitive harm to the parties. Nelson Decl. at ECF 210-1 \P 4; Seddon Decl. at
10		and Testimony from Cisco's Experts and		ECF 208-1 ¶ 2;
11		Motion for Partial Summary Judgment		
12	210-10, -11 to -	Exhibits 2, 4-13, 17 to Declaration of	GRANTED as to Exhibits 2, 4–10,	Contains highly confidential and sensitive information relating to Cisco's
13	20, -22	William P. Nelson in Support of Arista's	17. GRANTED as to 214:16–215:25	financial information and internal development strategies, disclosure of
14		Daubert Motions to Strike Expert Opinion	in Exhibit 13. DENIED as to the	such information would cause competitive harm to Cisco. Seddon
15		and Testimony from Cisco's Experts and Motion for Partial	remainder of Exhibit 13, and Exhibits 11 and	Decl. at ECF 227 ¶¶ 5–12, 16–17.
16 17		Summary Judgment	12.	Cisco, the designating party, does not represent that Exhibits 11 and 12 and portions other than 214:16–215:25 of Exhibit 13 should be sealed. Seddon
18				Decl. at ECF 227 ¶¶ 13–15; Nelson Decl. at ECF 210-1 ¶¶ $3-4$.
19				· · · · · · · · · · · · · · · · · · ·
20	C.	ECF 216		
21	ECF No.	<u>Document to be</u> Sealed:	<u>Result</u>	Reasoning
22	216-10	Exhibit E: Transcript from the	DENIED.	Arista, the designating party, does not represent that any portion of the exhibit
23		February 20, 2018, deposition of Dr.		should be sealed. Nelson Decl. at ECF $226 \P 8$; Seddon Decl. at ECF $216-1 \P \P$
24	216-4	Black. Cisco's Daubert	DENIED.	2–3. Arista, the designating party, does not
25	210-4	Motion as to Dr. Black		represent that any portion of the document should be sealed. Nelson
26				Decl. at ECF 226 ¶ 9; Seddon Decl. at ECF 216-1 ¶¶ $2-3$.
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1	ECF			
~ !!!	No.	Document to be Sealed:	<u>Result</u>	<u>Reasoning</u>
2	218-7	Exhibit A1: Excerpts	GRANTED as to	Contains highly confidential and sensitive
3		from the transcript from the February 15, 2018,	portions at 105:13–23,	information relating to Arista's financial and customer information. Disclosure of
4		deposition of Dr. Scott	107:6–13, 162:5–	such information would cause competitive
5		Morton.	164:6.	harm to Arista. Nelson Decl. at ECF 226 ¶ 11.
6				
7				The remainder is denied because Arista, the designating party, does not represent
				that the remaining portions should be
8				sealed. Nelson Decl. at ECF 226 ¶ 11; Seddon Decl. at ECF 218-1 ¶ 2.
9	218-8	Exhibit A2: Excerpts	DENIED.	Arista, the designating party, does not
10		from the transcript from the February 20, 2018,		represent that any portion of the document should be sealed. Nelson Decl. at ECF
11		deposition of Dr. John R. Black.		226 ¶ 12.
12	218-	Exhibit A5: Final CLI	GRANTED.	The exhibits contains a confidential
13	11	Agreement between Huawei and Cisco in		settlement terms between Cisco and third- party, Huawei Technologies, Co. Seddon
14		Cisco Sys., Inc. v.		Decl. at ECF 218-1 \P 4.
15	218-	<i>Huawei Techs., Co.</i> Exhibit A6: Excerpts	GRANTED.	Contains highly confidential and sensitive
16	12	from the December 18,		information relating to the parties'
		2017, Expert Report of Fiona Scott Morton,		internal strategies and financial and customer information. Disclosure of such
17		Ph.D.		information would cause competitive
18				harm to the parties. Nelson Decl. at ECF 226 ¶ 13; Seddon Decl. at ECF 218-1 ¶ 5.
19	218-	Exhibit A10: March 1,	GRANTED.	The parties' confidential information is
20	16	2018 Declaration of Dennis W. Carlton and		discussed throughout the document, disclosure of would cause competitive
21		attached Exhibit A.		harm to the parties. Nelson Decl. at ECF
22	219-1	Exhibit A11: Excerpts	GRANTED as to	226 ¶ 14; Seddon Decl. at ECF 218-1 ¶ 6. Contains highly confidential and sensitive
22		from the transcript from	341:2-342:2;	information relating to Arista's financial
23 24		the February 12, 2016, deposition of Kenneth	343:4-6; 344:8- 345:4; 361:25-	and customer information. Disclosure of such information would cause competitive
24 25		Duda.	363:16. DENIED as to	harm to Arista. Nelson Decl. at ECF 226 \P 15.
			the remainder.	
26				The remainder is denied because Arista, the designating party, does not represent
27				that the remaining portions should be
28				sealed. Nelson Decl. at ECF 226 ¶ 15.
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1 2 3 4	219-2	Exhibit A12: Excerpts from the transcript from the February 25, 2016, deposition of Jayshree Ullal.	GRANTED as to 201:23-203:12; 206:10-12; 374:3-9. DENIED as to the remainder.	Contains highly confidential and sensitive information relating to Arista's internal personnel decisions. Disclosure of such information would cause competitive harm to Arista. Nelson Decl. at ECF 226 ¶ 16.
5 6				The remainder is denied because Arista, the designating party, does not represent that the remaining portions should be sealed. Nelson Decl. at ECF 226 ¶ 16.
7 8 9	219- 18	Exhibit A28: Exhibit 192 to the November 17, 2017, deposition of Mark Chandler.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's communication with a supplier, disclosure of would cause competitive harm to Cisco. Seddon Decl. at ECF 218-1 ¶ 9.
10 11 12	220- 10	Exhibit A50: Document produced by Cisco, bearing the production number CSI-ANI- 00744973.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal communications regarding strategies regarding litigation. Seddon Decl. at ECF 218-1 ¶ 10.
13 14 15	220- 11	Exhibit A51: Document produced by Cisco, with production number CSI- ANI-00744973, email from Cisco executive and two attachments.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal communications regarding strategies regarding litigation. Seddon Decl. at ECF 218-1 ¶ 11.
16 17 18	220- 13	Exhibit A53: Excerpts from the transcript from the November 7, 2017, deposition of Anshul Sadana.	GRANTED.	Contains highly confidential and sensitive information relating to Arista's customers and financial data, disclosure of which would cause competitive harm to Arista. Nelson Decl. at ECF 226 ¶ 17.
19 20 21	220- 15	Exhibit A54: Arista's November 9, 2017 Fifth Supplemental Response to Cisco's First Set of Interrogatories.	GRANTED as to highlighted portions.	Contains highly confidential and sensitive information relating to Arista's customers and financial data, disclosure of which would cause competitive harm to Arista. Nelson Decl. at ECF 226 ¶ 18.
 22 23 24 25 	220- 18	Exhibit A57: Excerpts from the transcript from the October 23, 2017, deposition of Mark Foss.	GRANTED.	Contains highly sensitive information relating to Arista's confidential interactions with specific customers, disclosure of which would cause competitive harm to Arista. Nelson Decl. at ECF 226 ¶ 19.
26 27 28	220- 24	Exhibit A63: Excerpts from the transcript from the November 3, 2017, deposition of Frank Palumbo.	GRANTED.	Contains highly sensitive information relating to Cisco's confidential business and sales strategies, disclosure of which would cause competitive harm to Cisco. Seddon Decl. at ECF 218-1 ¶ 15.

1	220-	Exhibit A64: Excerpts	DENIED.	Arista, the designating party, does not
1	25	from the transcript from		represent that any portion of the document should be sealed. Nelson Decl. at ECF
2		the June 30, 2016, deposition of John		$226 \ $ ¶ 12.
3		Black.		
	220-	Exhibit A68: Chart	DENIED.	Arista, the designating party, does not
4	29	summarizing data		represent that any portion of the document should be sealed. Nelson Decl. at ECF
5		contained within a large spreadsheet produced		$226 \ $ ¶ 12.
6		by Arista in this		
		litigation as		
7	220	ARISTA923_10000212.		
8	220- 30	Exhibit A69: Excerpts from the transcript from	GRANTED.	Contains highly sensitive information relating to Arista's confidential
9	50	the December 1, 2017,		manufacturing capacity and capabilities,
9		deposition of		disclosure of which would cause
10		Christophe Metivier.		competitive harm to Arista. Nelson Decl. at ECF 226 \P 22.
11	220-	Exhibit A70: Excerpts	GRANTED.	Contains highly sensitive information
12	31	from the transcript from the November 16, 2017,		relating to Arista's confidential internal evaluations of its sales and business
13		deposition of Ita		performances, disclosure of which would
		Brennan.		cause competitive harm to Arista. Nelson
14	220	Exhibit A73: Exhibit	GRANTED.	Decl. at ECF 226 ¶ 23.
15	220- 32	1267 to the November	GRANTED.	Contains highly sensitive information relating to Arista's confidential internal
16		29, 2017, deposition of		business communications with its clients
10		Kevin McCabe.		and potential sales opportunities,
17				disclosure of which would cause competitive harm to Arista. Nelson Decl.
18				at ECF 226 \P 24.
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1	218-4	Cisco's Motion for	GRANTED as to	The proposed redacted portions at page 4,
1		Summary Judgment	highlighted	lines 22-23; page 5, lines 13-14; page 6,
2			portions.	lines 4-6; page 9, lines 1-2; page 11, line
2				4; page 11, line 6; page 11, line 14-15; page 11, lines 15-16; page 12, lines 5-6;
3				page 13, lines 26-27; page 16, lines 23-24;
4				page 19, lines 20-27, page 10, lines 23-24, page 19, lines 12-13; page 19, line 24;
_				page 20, lines 7-9; page 21, lines 17-19;
5				page 21, lines 24-25; page 22, line 13;
6				page 22, lines 17-19; page 22, lines 20-21;
7				page 22, lines 24-26; page 24, line 13;
7				page 24, line 14; and page 24, line 18 contains highly confidential and sensitive
8				information relating to the parties'
0				internal strategy and customer
9				information. Disclosure of such
10				information would cause competitive
11				harm to the parties. Seddon Decl. at ECF
11				218-1 ¶ 21; Nelson Decl. at ECF 226 ¶ 10.
12				10.
12				
13	Т	E. ECF 233		
14	ECF No			
	ECT NO	Document to be	Result	Reasoning
	ECF NO	<u>b.</u> <u>Document to be</u> <u>Sealed:</u>	<u>Result</u>	Reasoning
15	233-5	Sealed: Exhibit A:	Result GRANTED.	Contains highly confidential and sensitive
		Sealed: Exhibit A: Transcript excerpts		Contains highly confidential and sensitive information relating to Cisco's internal
15 16		Sealed:Exhibit A:Transcript excerptsfrom the February		Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive
15 16 17		Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 deposition		Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business
15 16		Sealed:Exhibit A:Transcript excerptsfrom the February		Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive
15 16 17 18		Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. Dennis	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2.
15 16 17 18 19		Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:		Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not
15 16 17 18	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerpts	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document
15 16 17 18 19	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not
15 16 17 18 19 20 21	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 deposition	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF
15 16 17 18 19 20	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF
15 16 17 18 19 20 21	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.Cisco's Oppositionto Arista's Motion to	GRANTED. DENIED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3. Arista, the designating party, does not represent that any portion of the document
15 16 17 18 19 20 21 22 23	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.Cisco's Oppositionto Arista's Motion toStrike Expert	GRANTED. DENIED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF
15 16 17 18 19 20 21 22	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.Cisco's Oppositionto Arista's Motion toStrike ExpertOpinion and	GRANTED. DENIED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3; <i>see also</i> Leary Decl. at ECF 233-
15 16 17 18 19 20 21 22 23	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.Cisco's Oppositionto Arista's Motion toStrike ExpertOpinion andPreclude Testimony	GRANTED. DENIED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF
 15 16 17 18 19 20 21 22 23 24 25 	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.Cisco's Oppositionto Arista's Motion toStrike ExpertOpinion andPreclude Testimonyof Dr. Dennis	GRANTED. DENIED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3; <i>see also</i> Leary Decl. at ECF 233-
 15 16 17 18 19 20 21 22 23 24 	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.Cisco's Oppositionto Arista's Motion toStrike ExpertOpinion andPreclude Testimony	GRANTED. DENIED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3; <i>see also</i> Leary Decl. at ECF 233-
 15 16 17 18 19 20 21 22 23 24 25 	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.Cisco's Oppositionto Arista's Motion toStrike ExpertOpinion andPreclude Testimonyof Dr. DennisCarlton, filed March	GRANTED. DENIED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3; <i>see also</i> Leary Decl. at ECF 233-
 15 16 17 18 19 20 21 22 23 24 25 26 	233-5	Sealed:Exhibit A:Transcript excerptsfrom the February16, 2018 depositionof Dr. DennisCarlton.Exhibit B:Transcript excerptsfrom the February15, 2018 depositionof Dr. Scott Morton.Cisco's Oppositionto Arista's Motion toStrike ExpertOpinion andPreclude Testimonyof Dr. DennisCarlton, filed March	GRANTED. DENIED.	Contains highly confidential and sensitive information relating to Cisco's internal documents, business and competitive strategies, and private business communications, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 233-1 ¶ 2. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3. Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF 246 ¶ 3; <i>see also</i> Leary Decl. at ECF 233-

	F.	ECF 235		
1	ECF No.	Document to be Sealed:	<u>Result</u>	Reasoning
2	235-6	Exhibit B: The	GRANTED.	The parties' confidential information is discussed throughout the document.
3		March 1, 2018, Declaration of		Seddon Decl. at ECF 235-1 ¶ 2. Disclosure of such information would
4		Dennis W. Carlton and excerpts from		harm Cisco's competitive standing. <i>Id.</i>
5		attached expert		
6	235-14	report. Exhibit N: Excerpts	GRANTED.	Contains highly confidential and sensitive
7		from the transcript from the October 24,		information relating to Cisco's internal communications on strategy and customer
8		2017 deposition of		requirements, disclosure of which would
9		Cesar Obediente.		cause competitive harm to Cisco. Seddon Decl. at ECF 235-1 ¶ 3.
10 11	235-15	Exhibit O: Excerpts from the transcript from the August 4,	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal communications on strategy and customer
12		2015 deposition of Cesar Obediente.		requirements, disclosure of which would
12		Cesar Obediente.		cause competitive harm to Cisco. Seddon Decl. at ECF 235-1 ¶ 3.
13	235-19	Exhibit AA: Excerpts from the	GRANTED.	Contains highly sensitive information relating to Cisco's confidential
		transcript from the		competitive market analysis, internal
15		October 20, 2017, deposition of Frank		organization, and process for creating marketing collateral, disclosure of which
16		D'Agostino.		would cause competitive harm to Cisco.
17	235-7	Exhibit E: Excerpts	GRANTED.	Seddon Decl. at ECF 235-1 ¶ 4. Contains highly confidential and sensitive
18		from the transcript		information relating to Arista's internal
19		from the February 25, 2016 deposition		strategy, training, and financial data, disclosure of which would cause
20		of Jayshree Ullal.		competitive harm to Arista. Nelson Decl. at ECF 246 ¶ 6.
21	235-8, -9, -12	Exhibits G, H, L: Figures and data	DENIED.	Arista, the designating party, does not represent that any portion of the document
22		underlying the		should be sealed. Nelson Decl. at ECF 246 ¶¶ 7, 8, 11.
23		December 18, 2017, Expert Report of		
24		Fiona M. Scott Morton, Ph.D.		
25		("Scott Morton		
26	235-13	Report"). Exhibit M: Tables	DENIED.	Arista, the designating party, does not
27	233 13	comparing per-port		represent that any portion of the document should be sealed. Nelson Decl. at ECF
28		prices of Ethernet switches based on		246 ¶ 12.
20			10	

	ECF No.	<u>Document to be</u> <u>Sealed:</u>	<u>Result</u>	Reasoning
		the data in Ex. L.		
	235-10	Exhibit J: Chart summarizing data contained within a	DENIED.	Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF
		large spreadsheet		246 ¶ 9.
		produced by Arista in this litigation as		
		ARISTA923_10000 212.		
	235-11	Exhibit K: Excerpts from the transcript	GRANTED.	Contains highly confidential and sensitive information relating to Arista's products,
		from the November		strategy, manufacturers, and financial
		7, 2017, deposition of Anshul Sadana.		data, disclosure of which would cause competitive harm to Arista. Nelson Decl. at ECF 246 \P 10.
ŀ	235-16	Exhibit U: Excerpts from the transcript	GRANTED.	Contains highly sensitive information relating to Arista's confidential sales and
		from the February 4,		customer service strategies, disclosure of
		2016, deposition of Mark Foss.		which would cause competitive harm to Arista. Nelson Decl. at ECF 246 ¶ 13.
ļ	235-17	Exhibit Y: Excerpts from the transcript	DENIED.	Arista, the designating party, does not represent that any portion of the document should be sealed. Nelson Decl. at ECF
		from the February 15, 2018, deposition of Dr. Scott Morton.		246 ¶ 14.
F	235-18	Exhibit Z: Excerpts	GRANTED.	Contains highly confidential and sensitive
		from the transcript from the December		information relating to Arista's manufacturing capacity and capabilities,
		1, 2017, deposition		disclosure of which would cause
		of Christophe Metivier.		competitive harm to Arista. Nelson Decl. at ECF 246 \P 15.
ĺ	235-20	Exhibit AB: The March 27, 2018,	GRANTED as to paragraphs 116,	Contains highly confidential and sensitive information relating to Arista's internal
		Declaration of Kevin C. Almeroth and	123, 135, and 152, including	strategy and customers and sales information. Disclosure of such
		excerpts from	footnote 253.	information would cause competitive
		attached expert report.	DENIED as to the remainder.	harm to Arista. Nelson Decl. at ECF 246 ¶ 16.
				The remainder is denied because Arista,
				the designating party, does not represent that the remaining portions should be
				sealed. Nelson Decl. at ECF 245 ¶ 16;
	235-21	Exhibit AC: Arista	GRANTED.	<i>see also</i> Seddon Decl. at ECF 235-1 ¶ 9. Contains highly sensitive information
		daily inventory file.	1	relating to Arista's confidential internal

ECF No.	Document to be Sealed:	<u>Result</u>	Reasoning
			inventory file, disclosure of which would cause competitive harm to Arista. Nelson Decl. at ECF 246 ¶ 17.
235-4	Cisco's Opposition to Arista's Motion for Partial Summary Judgment	GRANTED as to page 8, lines 13– 15; page 9, lines 3–11; page 17, line 27; page 21, lines 5–7; page 22, line 19; page 24, line 6; page 24, line 6; page 24, line 23 through page 25, line 3. DENIED as to the remainder.	Contains highly confidential and sensitiv information relating to Arista's internal strategy, manufacturing capacity and capabilities, and customers. Disclosure of such information would cause competitiv harm to Arista. Nelson Decl. at ECF 246 ¶ 18. The remainder is denied because Arista, the designating party, does not represent that the remaining portions should be sealed. Nelson Decl. at ECF 245 ¶ 18; <i>see also</i> Seddon Decl. at ECF 235-1 ¶ 11
G.	ECF 237		
ECF No.	Document to be Sealed:	<u>Result</u>	Reasoning
237-5	Exhibit A1: Excerpts from the June 3, 2016 Expert Report of John Black.	DENIED.	Arista, the designating party, does not represent that any portion of the documer should be sealed. Nelson Decl. at ECF 246 ¶ 19.
237-6	Exhibit B: Excerpts from the February 2, 2018 Expert Report of Kevin C. Almeroth.	DENIED.	Arista, the designating party, does not represent that any portion of the documer should be sealed. Nelson Decl. at ECF 246 ¶ 20.
237-8	Exhibit C: Excerpts from the transcript from the deposition of Kevin C. Almeroth, dated February 9, 2018.	GRANTED as to page 214, lines 18-22; page 215, lines 14-17.	The proposed redacted portions contain Cisco's confidential communication between Cisco and a licensor of intellectual property concerning potential litigation. Disclosure of such information would cause harm to Cisco's relationship with the licensor and third-parties. Seddon Decl. at ECF 237-1 ¶ 4.
237-9	Exhibit D: Arista' response to Cisco's Interrogatory Nos. 1 and 2.	GRANTED.	Contains highly sensitive information relating to Cisco's confidential and internal competitive assessments, disclosure of which would cause competitive harm to Cisco. Seddon Decl at ECF 237-1 ¶ 5.
237-10	Exhibit E: Arista's response to Cisco's	DENIED.	Arista, the designating party, does not represent that any portion of the documen
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	12	1

<u>ECF No.</u>	Document to be Sealed:	Result	Reasoning
	Interrogatory No. 12.		should be sealed. Nelson Decl. at ECF 246 ¶ 22.
H.	ECF 239		
ECF No.	Document to be	Result	Reasoning
239-8	Sealed: Plaintiff Arista Networks, Inc.'s Response to Black	DENIED.	Cisco, the designating party, does not represent that any portion of the documen should be sealed. Seddon Decl. at ECF 239-1 ¶ 21.
239-6	DaubertPlaintiff AristaNetworks, Inc.'sOpposition to ScottMorton DaubertPlaintiff AristaNetworks, Inc.'sOpposition toCisco's Motion forSummary Judgment	GRANTED as to highlight portions at 7:18–19 and 8:17–18. DENIED as to the remainder. GRANTED as to highlighted portions at pages 2–5, 18, 19, and 23. DENIED as	Contains highly confidential and sensitive information relating to the parties' internal strategies and sales information, disclosure of which would cause competitive harm to the parties. Nelson Decl. at ECF 239-1 ¶ 4; Seddon Decl. at ECF 237-1 ¶ 22. The remainder is denied because neither party represents that sealing is necessary. Contains highly confidential and sensitive information relating to Arista's products, customers, and financial data as well as Cisco's internal competitive strategies, disclosure of which would cause
220.26	Exhibits 27 and 28	to the remainder.	competitive harm to the parties. Nelson Decl. at ECF 239-1 ¶ 4; Seddon Decl. at ECF 247 ¶ 23. The remainder is denied because neither party represents that sealing is necessary.
239-26, - 27			Contains highly confidential and sensitive information relating to Arista's products, customers, and financial data, disclosure of which would cause competitive harm to Arista. Nelson Decl. at ECF 239-1 ¶ 4
239-9	Exhibit 1	GRANTED.	Contains highly confidential and sensitive information relating to Arista's products and Cisco's confidential source code and discussion of confidential third-party
			source code, disclosure of which would cause competitive harm to Cisco. Nelson Decl. at ECF 239-1 ¶ 4; Seddon Decl. at ECF 247 ¶ 4.
	1	13	1 11

ECF No.	Document to be Sealed:	<u>Result</u>	Reasoning
239-10, -	Exhibits 3 and 5	DENIED.	Cisco, the designating party, does not
239-10, -	EXHIBITS 5 and 5	DENIED.	represent that any portion of the document
11			should be sealed. Seddon Decl. at ECF
			239-1 ¶¶ 5, 6.
239-12 to	8-14, 16, 18-23	GRANTED.	Contains highly sensitive information
-18, -19, -			relating to Cisco's confidential business
20 to -25			strategies, internal employee evaluation,
			product design strategies, and
			communications with customers.
			Disclosure of such information would
			cause competitive harm to Cisco. Seddo
			Decl. at ECF 247 ¶¶ 7–17.
239-28, -	Exhibit 31 and 32	DENIED.	Cisco, the designating party, does not
29			represent that any portion of the docume
			should be sealed. Seddon Decl. at ECF 239-1 \P 17.
239-30	Exhibit 33	GRANTED.	Contains highly sensitive information
237-30			relating to Cisco's confidential internal
			competitive analyses, disclosure of which
			would cause competitive harm to Cisco.
			Seddon Decl. at ECF 247 ¶¶ 20.
I. ECE No	ECF 249	Result	-
	Document to be	Result	Reasoning
ECF No.	Document to be Sealed:		Reasoning
	Document to be Sealed: Exhibit F: Excerpts	Result DENIED.	Reasoning Arista, the designating party, does not
ECF No.	Document to be Sealed: Exhibit F: Excerpts from the transcript		Reasoning Arista, the designating party, does not
ECF No.	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20,		Reasoning Arista, the designating party, does not represent that any portion of the docume
ECF No.	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of		Reasoning Arista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF
ECF No. 249-5	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.	DENIED.	Reasoning Arista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.
ECF No.	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts		ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information
ECF No. 249-5	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript	DENIED.	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential
ECF No. 249-5	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 	DENIED.	Reasoning Arista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3. Contains highly sensitive information relating to Arista's confidential communication with its customers,
ECF No. 249-5	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 	DENIED.	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause
ECF No. 249-5	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 	DENIED.	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause
ECF No. 249-5	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 	DENIED.	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause competitive harm to Arista. Nelson Decl at ECF 260 ¶ 4.
ECF No. 249-5 249-6	Document to be Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript 	DENIED. GRANTED.	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information
ECF No. 249-5 249-6	Document to be Sealed:Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript 	DENIED. GRANTED. GRANTED as to	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause competitive harm to Arista. Nelson Dec at ECF 260 ¶ 4.Contains highly sensitive information relating to Arista's confidential
ECF No. 249-5 249-6	Document to be Sealed:Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript 	DENIED. GRANTED. GRANTED as to page 114, lines 9–	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause competitive harm to Arista. Nelson Dec at ECF 260 ¶ 4.Contains highly sensitive information relating to Arista's confidential details
ECF No. 249-5 249-6	Document to be Sealed:Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript 	DENIED. DENIED. GRANTED. GRANTED as to page 114, lines 9– 22. DENIED as	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause competitive harm to Arista. Nelson Dec at ECF 260 ¶ 4.Contains highly sensitive information relating to Arista's confidential details relating to Arista's confidential details regarding a customer, disclosure of which
ECF No. 249-5 249-6	Document to be Sealed:Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript 	DENIED. DENIED. GRANTED. GRANTED as to page 114, lines 9– 22. DENIED as	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause competitive harm to Arista. Nelson Dec at ECF 260 ¶ 4.Contains highly sensitive information relating to Arista's confidential descriptionContains highly sensitive information relating to Arista's confidential details regarding a customer, disclosure of which would cause competitive harm to Arista
ECF No. 249-5 249-6	Document to be Sealed:Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript 	DENIED. DENIED. GRANTED. GRANTED as to page 114, lines 9– 22. DENIED as	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause competitive harm to Arista. Nelson Dec at ECF 260 ¶ 4.Contains highly sensitive information relating to Arista's confidential details regarding a customer, disclosure of which would cause competitive harm to Arista Nelson Decl. at ECF 260 ¶ 5.
ECF No. 249-5 249-6	Document to be Sealed:Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript 	DENIED. DENIED. GRANTED. GRANTED as to page 114, lines 9– 22. DENIED as	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause competitive harm to Arista. Nelson Dec at ECF 260 ¶ 4.Contains highly sensitive information relating to Arista's confidential disclosure of which would cause competitive harm to Arista. Nelson Dec at ECF 260 ¶ 4.Contains highly sensitive information relating to Arista's confidential details regarding a customer, disclosure of which would cause competitive harm to Arista.
ECF No. 249-5 249-6	Document to be Sealed:Sealed:Exhibit F: Excerpts from the transcript of the February 20, 2018, deposition of John R. Black, Jr.Exhibit G: Excerpts from the transcript 	DENIED. DENIED. GRANTED. GRANTED as to page 114, lines 9– 22. DENIED as	ReasoningArista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 3.Contains highly sensitive information relating to Arista's confidential communication with its customers, disclosure of which would cause competitive harm to Arista. Nelson Dec at ECF 260 ¶ 4.Contains highly sensitive information relating to Arista's confidential details regarding a customer, disclosure of which would cause competitive harm to Arista. Nelson Decl. at ECF 260 ¶ 5.The remainder is denied because Arista,

ECF No.	Document to be	<u>Result</u>	Reasoning
249-9	<u>Sealed:</u> Exhibit J: Excerpts	GRANTED.	Contains highly confidential and sensitive
249-9	from the February 2,	UKANTED.	information relating to Arista's internal
	2018 Expert Report		strategy, training and financial data,
	of Dr. Kevin C.		disclosure of which would cause
	Almeroth.		competitive harm to Arista. Nelson Decl.
	Ameroui.		at ECF 260 ¶ 6.
249-4	Cisco's Reply in	DENIED.	Arista, the designating party, does not
	Support of its		represent that any portion of the document
	Daubert Motion to		should be sealed. Nelson Decl. at ECF
	Exclude the Expert		260 ¶ 7.
	Opinion of John R.		
	Black, Jr.		
J.	ECF 252		
ECF No.	Document to be Sealed:	Result	Reasoning
252-4	Plaintiff Arista	GRANTED as to	Contains highly confidential and sensitive
	Networks, Inc.'s	highlighted	information relating to Cisco's internal
	Reply to Carlton	portions at page	strategy command-line interface
	Daubert	5.	development, disclosure of which would
			cause competitive harm to Cisco. Findlay
			Decl. at ECF 259 ¶ 8.
252-6	Plaintiff Arista	GRANTED as to	Contains highly confidential and sensitive
	Networks, Inc.'s	highlighted	information relating to Arista's products
	Reply to Motion for	portions at 7:7–9;	and Cisco's internal business strategies
	Partial Summary	7:11–12; 13:26–	and investments, disclosure of which
	Judgment	28; 14:2–4;	would cause competitive harm to the
		14:15. DENIED	parties. Nelson Decl. at ECF 252-1 ¶ 4;
		as to the remainder.	Findlay Decl. at ECF 259 ¶ 9.
			The remainder is denied because neither
			party has provided reasons in support of
			sealing other portions of the document.
			See Nelson Decl. at ECF 252-1 ¶ 4;
			Findlay Decl. at ECF 259 ¶ 9.
	Exhibits 19, 20, and	GRANTED.	Contains highly confidential and sensitive
252-7, -8, -11	Exhibits 19, 20, and 25	GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal
		GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal business strategies and customer
		GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal business strategies and customer requirements, disclosure of which would
		GRANTED.	Contains highly confidential and sensitive information relating to Cisco's internal business strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Findlay
		GRANTED. GRANTED as to	Contains highly confidential and sensitive information relating to Cisco's internal
	25		Contains highly confidential and sensitive information relating to Cisco's internal business strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Findlay Decl. at ECF 259 ¶¶ 4–5.
-11	25	GRANTED as to	Contains highly confidential and sensitive information relating to Cisco's internal business strategies and customer requirements, disclosure of which would cause competitive harm to Cisco. Findlay Decl. at ECF 259 ¶¶ 4–5. Contains highly sensitive information

<u>ECF No.</u>	Document to be Sealed:	<u>Result</u>	Reasoning
			at ECF 259 ¶ 6.
			The remainder is denied because Arista,
			the designating party, does not represent
			that the remaining portions should be
			sealed. Findlay Decl. at ECF 259 ¶ 6.
252-12	Exhibit 26	DENIED.	Cisco, the designating party, does not represent that any portion of the document
			should be sealed. Findlay Decl. at ECF
			259 ¶ 7.
252-9	Exhibit 21	GRANTED.	Contains highly confidential and sensitiv
			information relating to Arista's products
			and customers, disclosure of which woul cause competitive harm to Arista. Nelso
			Decl. at ECF 252-1 \P 4.
		1	L II
K.	ECF 256		
<u>ECF No.</u>	Document to be Sealed:	<u>Result</u>	Reasoning
256-5	Exhibit A75:	GRANTED.	Contains highly sensitive information
	Excerpts from		
	1		relating to Cisco's confidential
	the transcript from		discussions of its business strategies and
	the transcript from the November 17,		discussions of its business strategies and internal policy making strategies,
	the transcript from the November 17, 2017		discussions of its business strategies and internal policy making strategies, disclosure of which would cause
	the transcript from the November 17, 2017 deposition of Mark		discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl.
256-6	the transcript from the November 17, 2017 deposition of Mark Chandler.	GRANTED.	discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. ECF 256-1 ¶ 3.
256-6	the transcript from the November 17, 2017 deposition of Mark	GRANTED.	 discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. ECF 256-1 ¶ 3. Contains highly sensitive information
256-6	the transcript from the November 17, 2017 deposition of Mark Chandler. Exhibit A76:	GRANTED.	 discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. ECF 256-1 ¶ 3. Contains highly sensitive information relating to Cisco's confidential internal product analysis and product design
256-6	the transcript from the November 17, 2017 deposition of Mark Chandler. Exhibit A76: Document produced by Cisco, bearing	GRANTED.	 discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. ECF 256-1 ¶ 3. Contains highly sensitive information relating to Cisco's confidential internal product analysis and product design strategies, disclosure of which would
256-6	the transcript from the November 17, 2017 deposition of Mark Chandler. Exhibit A76: Document produced by Cisco, bearing the production	GRANTED.	 discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. ECF 256-1 ¶ 3. Contains highly sensitive information relating to Cisco's confidential internal product analysis and product design strategies, disclosure of which would cause competitive harm to Cisco. Leary
256-6	the transcript from the November 17, 2017 deposition of Mark Chandler. Exhibit A76: Document produced by Cisco, bearing the production number CSICPT-	GRANTED.	 discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. ECF 256-1 ¶ 3. Contains highly sensitive information relating to Cisco's confidential internal product analysis and product design
	the transcript from the November 17, 2017 deposition of Mark Chandler. Exhibit A76: Document produced by Cisco, bearing the production number CSICPT- 00004206.		 discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. ECF 256-1 ¶ 3. Contains highly sensitive information relating to Cisco's confidential internal product analysis and product design strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 256-1 ¶ 4.
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256-7	the transcript from the November 17, 2017 deposition of Mark Chandler. Exhibit A76: Document produced by Cisco, bearing the production number CSICPT- 00004206. Exhibit A77: Excerpts from the transcript from the February 15, 2018 deposition of Dr. Morton. Exhibit A78: Excerpts from the	DENIED.	 discussions of its business strategies and internal policy making strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. ECF 256-1 ¶ 3. Contains highly sensitive information relating to Cisco's confidential internal product analysis and product design strategies, disclosure of which would cause competitive harm to Cisco. Leary Decl. at ECF 256-1 ¶ 4. Arista, the designating party, does not represent that any portion of the docume should be sealed. Nelson Decl. at ECF 260 ¶ 8. Contains highly confidential and sensitive information relating to Arista's internal

1	ECF No.	<u>Document to be</u> <u>Sealed:</u>	<u>Result</u>	<u>Reasoning</u>
2	256-4	Cisco's Reply in Support of	GRANTED as to page 2, lines 25–	Contains highly confidential and sensitive information relating to Arista's new
3		its Motion for	26; page 3,	customers and R&D allocation and
4		Summary Judgment	line 1; page 11, lines 7–8;	Cisco's internal business strategies, disclosure of which would cause
5			page 13, lines 7– 10; page 14,	competitive harm to the parties. Nelson Decl. at ECF 260 ¶ 10; Findlay Decl. at
6			line 28–page 15, line 1.	ECF 259 ¶¶ 3, 8.
7				

III. ORDER

For the foregoing reasons, the sealing motions at ECF 208, 210, 216, 218, 233, 235, 237, 239, 249, 252, and 256 are GRANTED IN PART and DENIED IN PART without prejudice. In particular, the Court DENIED without prejudice Cisco' request to file under seal its *Daubert* Motion to Exclude the Expert Opinion of Fiona Scott Morton, Ph.D. because the proposed redactions were not narrowly tailored (ECF 208). Cisco may renew its motion and seek more narrowly tailored redactions. Any such redactions shall be proposed by **May 4, 2018**.

Under Civil Local Rule 79-5(e)(2), for any request that has been denied because the party designating a document as confidential or subject to a protective order has not provided sufficient reasons to seal, 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 form the filing of this order.

IT IS SO ORDERED.

Dated: April 30, 2018

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BETH LABSON FREEMAN United States District Judge