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 17 *Rimini Street, Inc., and Counterdefendant*
 18 *Seth Ravin*

19 UNITED STATES DISTRICT COURT
 20 DISTRICT OF NEVADA

20 RIMINI STREET, INC., a Nevada corporation,
 21 Plaintiff,
 22 v.
 23 ORACLE INTERNATIONAL
 24 CORPORATION, a California corporation,
 25 Defendant.

1 ORACLE AMERICA, INC., a Delaware
2 corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

3 Counterclaimants,

4 v.

5 RIMINI STREET, INC., a Nevada corporation;
6 SETH RAVIN, an individual,

7 Counterdefendants.

Case No. 2:14-cv-01699-LRH-CWH

**RIMINI STREET INC.’S MOTION
FOR LEAVE TO FILE UNDER SEAL
PORTIONS OF RIMINI STREET,
INC.’S ANSWER TO ORACLE’S
SECOND AMENDED
COUNTERCLAIMS**

8 Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by
9 the Court on May 18, 2015 (Dkt. 58, “Protective Order”), Local Rules 10-5(b) and 16.1-4, and Rules
10 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiff and counterdefendant Rimini Street Inc.
11 and counterdefendant Seth Ravin (collectively, “Rimini”), respectfully move this Court to grant leave
12 to file under seal portions of Rimini’s Answer to Oracle’s Second Amended Counterclaims (the
13 “Answer”). A public, redacted version of the Answer was filed on November 10, 2016, and an
14 unredacted version will subsequently be filed under seal with the Court.

15 The Protective Order provides that: “Counsel for any Designating Party may designate any
16 Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’
17 Eyes Only’ under the terms of this Protective Order only if such counsel in good faith believes that
18 such Discovery Material contains such information and is subject to protection under Federal Rules of
19 Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as
20 ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall
21 constitute a representation that any attorney for the Designating Party reasonably believes there is a
22 valid basis for such designation.” Protective Order ¶ 2 (emphasis added).

23 Rimini requests that the Court seal portions of Rimini’s Answer because: (1) it cites information
24 from Oracle America, Inc. and Oracle International Corporation (collectively, “Oracle”)’s discovery
25 responses or document productions that Oracle has designated as “Confidential Information” or
26 “Highly Confidential Information – Attorneys’ Eyes Only” under the terms of the Protective Order;
27 and (2) the document contains confidential information about Rimini’s proprietary processes.
28

1 As to category (1), by designating the information Confidential or Highly Confidential, Oracle
2 has represented that the information cited is subject to protection under Federal Rule of Civil Procedure
3 26(c). Protective Order ¶ 2. Thus Rimini, as the filing party, requests that the portions of Rimini’s
4 Answer containing material designated Confidential or Highly Confidential be filed under seal. Rimini
5 does not independently contend that these portions are subject to such protection, but makes this request
6 as a courtesy to Oracle.

7 As to category (2), Rimini moves to seal portions of the document that disclose proprietary and
8 highly sensitive details about how Rimini provides services to its clients. Disclosure of this proprietary
9 information regarding how Rimini provides services to its clients would provide Rimini’s competitors
10 a direct competitive advantage, disclosing trade secrets that would allow Rimini’s competitors to adopt
11 methods that have made Rimini successful and more easily allow them to compete in the third-party
12 software service marketplace. *See Hologram USA, Inc. v. Pulse Evolution Corp.*, 2015 WL 105793,
13 at *2 (D. Nev. Jan. 7, 2015) (granting motion to seal when documents “contain[ed] information that
14 could injure Plaintiffs’ competitive posture in the . . . industry”); *Spectrum Pharm. Inc. v. Sandoz Inc.*,
15 2014 WL 4202540, at *2 (D. Nev. Aug. 21, 2014) (granting motion to seal where documents contained
16 “proprietary, business practice, trade secret, and technical information that could injure the parties’
17 competitive posture”); *Clark v. Metro. Life Ins. Co.*, 2010 WL 1006823, at *1 (D. Nev. Mar. 16, 2010)
18 (granting motion to seal materials that would “bring attention to MetLife’s confidential internal
19 business deliberations, organization and capabilities.”). Moreover, keeping these references under seal
20 will not frustrate the public’s visibility into the judicial process. Although Rimini has redacted certain
21 descriptions of its processes, non-sensitive information contained in these documents remains
22 unredacted. Thus Rimini respectfully moves to seal portions of its Answer.

23 Rimini has submitted all other portions of its Answer for filing in the Court’s public files, which
24 will allow public access to the filing except for the portions containing information that Oracle has
25 designated as Confidential or Highly Confidential or that contain confidential information about
26 Rimini’s proprietary processes. Accordingly, this request to seal is narrowly tailored.

27 For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file under
28 seal portions of Rimini’s Answer.

1 DATED: November 10, 2016


2 GIBSON, DUNN & CRUTCHER LLP

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4 By: /s/ Jeffrey T. Thomas
Jeffrey T. Thomas

5 *Attorneys for Plaintiff and Counterdefendant Rimini*
6 *Street, Inc., and Counterdefendant Seth Ravin*

7
8 IT IS SO ORDERED.

9
10 DATED: November 22,
2016

11
12 
13 _____
14 C.W. HOFFMAN, JR.
UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this date, I caused to be electronically uploaded a true and correct copy
3 in Adobe “pdf” format of the above document to the United States District Court’s Case Management
4 and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is
5 deemed complete upon transmission of the Notice of Electronic Filing (“NEF”) to the registered
6 CM/ECF users. All counsel of record are registered users.

7 DATED: November 10, 2016

8 GIBSON, DUNN & CRUTCHER LLP

9
10 By: /s/ Jeffrey T. Thomas
Jeffrey T. Thomas

11 *Attorneys for Plaintiff and Counterdefendant*
12 *Rimini Street, Inc., and Counterdefendant Seth Ravin*