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 Oracle International Corporation

15 UNITED STATES DISTRICT COURT
 16 DISTRICT OF NEVADA

<p>18 RIMINI STREET, INC., a Nevada corporation; Plaintiff, 19 v. ORACLE INTERNATIONAL CORPORATION, 20 a California corporation, and ORACLE AMERICA, INC., a Delaware 21 corporation Defendants.</p>	<p>Case No 2:14-cv-01699 LRH CWH ORACLE’S MOTION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF THE APPENDICES TO THE PARTIES’ JOINT LETTER TO THE COURT RE: ORACLE’S PROPOSED MOTION TO COMPEL</p>
<p>23 ORACLE AMERICA, INC., a Delaware corporation; and ORACLE 24 INTERNATIONAL CORPORATION, a California corporation, 25 Counterclaimants, 26 v. RIMINI STREET, INC., a Nevada corporation, et 27 al., 28 Counterdefendants.</p>	

1 Pursuant to the Stipulated Protective Order governing confidentiality of documents
2 entered by the Court on May 18, 2015, ECF No. 58 (“Protective Order”), Local Rules 10-5(b),
3 and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants and
4 Counterclaimants Oracle International Corporation and Oracle America Inc. (together “Oracle”)
5 respectfully requests that the Court grant leave to file under seal portions of the Appendices to
6 the Parties’ Joint Letter to the Court re: Oracle’s Proposed Motion to Compel (ECF No. 492).
7 Redacted versions of these documents were filed on May 11, 2017. See ECF Nos. 492-1, 492-2.
8 Unredacted versions of these documents will be subsequently filed under seal with the Court and
9 linked to the filing of this Motion. See ECF No. 221 (Order re: sealing procedures).

10 Oracle requests that the Court seal the redacted portions of the Appendices because they
11 contain materials that have been designated as “Highly Confidential Information – Attorneys’
12 Eyes Only” by the Parties under the terms of the Protective Order. The Protective Order states,
13 “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential
14 Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of
15 this Protective Order **only if such counsel in good faith believes that such Discovery Material**
16 **contains such information and is subject to protection under Federal Rule of Civil**
17 **Procedure 26(c).** The designation by any Designating Party of any Discovery Material as
18 ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall
19 constitute a representation that an attorney for the Designating Party reasonably believes there is
20 a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

21 Oracle submits Appendix A under seal pursuant to the Protective Order based on
22 Rimini’s representation that it reasonably believes there is a valid basis under the Protective
23 Order for its confidentiality designations. Because the material was designated by Rimini,
24 Oracle is not in a position to provide further justification for why filing this document publicly
25 would cause Rimini harm sufficient to show good cause. Oracle does not independently contend
26 that the document, or the material it contains, are subject to such protection, but makes this
27 request pursuant to ¶ 14 of the Protective Order.

1 Oracle submits Appendix B under seal pursuant to its own request. Appendix B contains
2 confidential correspondence between Oracle and the United States Copyright Office that has
3 been produced to Rimini in the course of this litigation. Oracle believes there is a valid basis
4 under the Protective Order for its confidentiality designations, as the correspondence submitted
5 under seal contains non-public and commercially sensitive information concerning Oracle's
6 copyright registrations and software licenses and its interactions with the Copyright Office.

7 Oracle respectfully requests that the Court grant leave to file under seal portions of the
8 documents discussed above.

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DATED: May 11, 2017

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Thomas S. Hixson
 Thomas S. Hixson

Attorneys for Defendants and Counterclaimants
Oracle International Corporation and Oracle
America, Inc.

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 RIMINI STREET, INC., a Nevada corporation;
4 Plaintiff,

5 v.

6 ORACLE INTERNATIONAL CORPORATION,
7 a California corporation, and ORACLE
8 AMERICA, INC., a Delaware
9 corporation

10 Defendants.

11 ORACLE AMERICA, INC., a Delaware
12 corporation; and ORACLE
13 INTERNATIONAL CORPORATION, a
14 California corporation,

15 Counterclaimants,

16 v.

17 RIMINI STREET, INC., a Nevada corporation, et
18 al.,

19 Counterdefendants.

Case No 2:14-cv-01699 LRH CWH

**[PROPOSED] ORDER GRANTING
ORACLE'S MOTION FOR LEAVE TO
FILE UNDER SEAL PORTIONS OF
THE APPENDICES TO THE PARTIES'
JOINT LETTER TO THE COURT RE:
ORACLE'S PROPOSED MOTION TO
COMPEL**

20 **[PROPOSED] ORDER**

21 Pending before this Court is Defendants and Counterclaimants Oracle America, Inc. and
22 Oracle International Corporation's (collectively "Oracle") Motion to Seal Portions of the
23 Appendices to the Parties' Joint Letter to the Court re: Oracle's Proposed Motion to Compel
24 (ECF Nos. 492-1, 492-2). Federal Rule of Civil Procedure 26(c) provides broad discretion for a
25 trial court to permit sealing of court documents for, inter alia, the protection of "a trade secret or
26 other confidential research, development, or commercial information." Fed. R. Civ. P. 26(c).
27 Having considered Oracle's Motion to Seal and for good cause existing:

28 IT IS HEREBY ORDERED THAT: Oracle's Motion to Seal is GRANTED. The Clerk
of the Court shall file under seal the redacted portions of the Appendices to the Parties' Joint
Letter to the Court re: Oracle's Proposed Motion to Compel.

DATED: May 15, 2017

By: _____


Hon. Carl W. Hoffman
United States Magistrate Judge

