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**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

ORDER GRANTING BLUE COAT SYSTEMS LLC’S MOTION TO FILE UNDER SEAL AN EXHIBIT IN SUPPORT OF ITS REPLY IN SUPPORT OF MOTION TO STRIKE PORTIONS OF EXPERT REPORTS

United States District Court
Northern District of California

Before the Court is Defendant Blue Coat Systems, LLC’s (“Blue Coat”) Administrative Motion to File Under Seal an Exhibit in Support of Defendant Blue Coat System LLC’s Reply in Support of Motion to Strike Portions of Expert Reports. ECF 222. For the reasons stated below, the motion is 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


1 part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-
2 5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain
3 documents as confidential is not sufficient to establish that a document, or portions thereof, are
4 sealable.” *Id.*

5 II. DISCUSSION

6 Blue Coat moves to seal in its entirety Exhibit A to Declaration of Eugene Marder in
7 Support of Blue Coat Systems LLC’s Reply in Support of Motion to Strike Portions of Expert
8 Reports (ECF 221). According to Blue Coat, this document contains highly confidential technical
9 information regarding Blue Coat’s proprietary technology, and confidential aspects of Blue Coat’s
10 business. Marder Decl. ISO Administrative Motion to File Under Seal ¶ 3, ECF 222-1. This
11 includes information relating to details of the internal operation of Blue Coat’s SSL Visibility
12 Appliance and ProxySG devices, as well as those devices’ interoperation and Blue Coat’s
13 confidential business operations. *Id.* ¶ 5. Blue Coat also states that public disclosure of this
14 information “would create substantial risk of serious harm to Blue Coat, including evasion of Blue
15 Coat’s malware analysis tools, disclosure to competitors regarding the scanning tools used in the
16 accused products, and Blue Coat’s approach to fixes in the products.” *Id.* ¶ 6. The Court finds
17 that Blue Coat has articulated compelling reasons and good cause to seal the submitted documents.
18 In addition, the Court finds the sealing request to be narrowly tailored. Accordingly, the Court
19 GRANTS Blue Coat’s motion to seal.

20 **IT IS SO ORDERED.**

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22 Dated: May 15, 2017

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24 BETH LABSON FREEMAN
25 United States District Judge
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