

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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 PORTIONS OF ITS AMENDED REPLY

[Re: ECF 260]

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 portions of its Amended Reply in Support of its Motion for Summary Judgment (“Amended Reply”). ECF 260. For the reasons set forth below, Blue Coat’s 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 & 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


1 protective order that allows a party to designate certain documents as confidential is not sufficient
2 to establish that a document, or portions thereof, are sealable.” *Id.*

3 **II. DISCUSSION**

4 The Court has reviewed Blue Coat’s sealing motion and the declaration submitted in
5 support thereof. According to Blue Coat, the portions of the Amended Reply for which sealing is
6 requested contain information which relates to the operation and infrastructure of backend systems
7 and services and other highly confidential information about the operation and development of the
8 accused products. Declaration of Robin L. Brewer in Support of Administrative Motion to File
9 Under Seal, ECF 260-1 ¶¶ 4-8. These portions also contain information relating to Blue Coat’s
10 highly confidential business operations. *Id.* The Court finds that Blue Coat has articulated
11 compelling reasons and good cause for sealing. The proposed redactions are also narrowly
12 tailored. Accordingly, the Court GRANTS Blue Coat’s motion to seal.

13 **IT IS SO ORDERED.**

14
15 Dated: June 19, 2017

16 
17 BETH LABSON FREEMAN
18 United States District Judge

United States District Court
Northern District of California

19
20
21
22
23
24
25
26
27
28