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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FINJAN, INC.,
Plaintiff,
v.
BLUE COAT SYSTEMS, INC.,
Defendant.

Case No. [15-cv-03295-BLF](#)

ORDER REGARDING MOTIONS TO SEAL

[Re: ECF 70, 80]

Before the Court are the parties’ administrative motions to file under seal portions of their briefing and exhibits. ECF 70, 80. For the reasons stated below, the motions are 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 part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain

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1 sealable.” *Id.*

2 **II. DISCUSSION**

3 The Court has reviewed the parties’ sealing motions and respective declarations in support
4 thereof. The Court finds the parties have articulated compelling reasons to seal the submitted
5 documents. The proposed redactions are also narrowly tailored. The Court’s rulings on the
6 sealing request are set forth in the tables below:

7 **A. ECF 70**

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Plaintiff Finjan, Inc.’s Notice of Motion and Motion for Preliminary Injunction Pursuant to Rule 65 (“Motion”) at Page 2, l. 24; page 10, ll. 26-28; page 11, ll. 1, 3-4, 6-7, 11-20, 27; page 12, ll. 1-6, 20-22, 27; page 13, ll. 1-7; page 23, ll. 9-16.	Blue Coat’s confidential technical and business information	GRANTED
Declaration of Dr. Eric Cole in Support of Finjan’s Motion (“Cole Decl.”) at Page 10, ll. 15-22; page 16, ll. 1-10, 15-18, 19, 22; page 12, ll. 20-21, page 13, ll. 1-7, 12-23; page 14, ll. 12-16; page 15, ll. 18, 24, 26; page 16, ll. 1-3, 19-27; page 17, ll. 1-12, 18-27; page 18, ll. 1-15, 18, 22-23; page 19, ll. 1-7, 9, 11-16; page 20, ll. 4-19; page 21, ll. 1-12, 18-20, 25-26; page 22, ll. 1-8, 22-26; page 23, ll. 1-7, 20-23.	Reference to highly confidential Blue Coat information regarding products and functionality, operation, architecture, and development thereof, including reference to portions of Blue Coat’s source code	GRANTED
Exhibit 29 to Andre Decl.	Highly confidential Blue Coat information regarding Blue Coat’s marketing and financials	GRANTED
Exhibit 30 to Andre Decl. at Pages 37, 51.	Highly confidential information regarding Blue Coat’s business and financials	GRANTED
Exhibit 34 to Andre Decl.	Highly confidential Blue Coat information regarding Blue Coat’s trade secret and technology	GRANTED
Exhibit 35 to Andre Decl.	Highly confidential Blue Coat information regarding Blue Coat’s trade secret and technology	GRANTED
Exhibit 36 to Andre Decl.	Highly confidential Blue Coat	GRANTED

	information regarding Blue Coat's trade secret and technology	
Exhibit 47 to Andre Decl.	Highly confidential Blue Coat information regarding Blue Coat's products and services	GRANTED
Exhibit 54 to Andre Decl. in its entirety	Discloses Finjan's confidential business and financial information.	GRANTED.

B. ECF 80

Identification of Documents to be Sealed	Description of Documents	Court's Order
Exhibits 1-4 to the Declaration of Yuridia Caire in Support of Finjan's Opposition to Blue Coat's Administrative Motion for Expedited Discovery and Continuance of the Briefing Schedule and Finjan's Cross-Motion for Expedited Hearing, in their entirety	Discloses Finjan's confidential information concerning Finjan's business, products and technical informa	GRANTED
Exhibits 7 to the Declaration of Yuridia Caire	Discloses Finjan's confidential information concerning Finjan's business, licensees, products and technical information.	GRANTED

III. ORDER

For the foregoing reasons, the sealing motions at ECF 70 and 80 are GRANTED.

IT IS SO ORDERED

Dated: August 17, 2016



BETH LABSON FREEMAN
United States District Judge

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