

United States District Court
Northern District of California

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.
SONICWALL, INC.,
Defendant.

Case No. 17-cv-04467-BLF (VKD)

**ORDER GRANTING
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Re: Dkt. No. 249

In connection with a discovery dispute concerning defendant SonicWall, Inc.’s requests to obtain documents from another action that plaintiff Finjan, Inc. contends are protected under the attorney-client privilege and attorney work product doctrine (Dkt. No. 248), SonicWall filed an administrative motion to file portions of the parties’ joint discovery dispute letter and an associated exhibit under seal. Dkt. No. 249. Having considered the parties’ submissions, the Court grants the administrative motion, as set forth below.

There is a strong presumption in favor of access by the public to judicial records and documents accompanying dispositive motions that can be overcome only by a showing of “compelling reasons supported by specific factual findings.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006) (internal quotation marks and citation omitted). However, the presumption does not apply equally to a motion addressing matters that are only “tangentially related to the merits of a case.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016), cert. denied sub nom. *FCA U.S. LLC v. Ctr. for Auto Safety*, 137 S. Ct. 38 (2016). A litigant seeking to seal documents or information in connection with such a motion

1 *Id.* at 1098–99; *Kamakana*, 447 F.3d at 1179–80.


2 SonicWall’s motion to seal concerns information submitted in connection with a discovery
3 dispute. The underlying discovery dispute does not address the merits of the parties’ claims or
4 defenses, but rather whether Finjan’s assertion of the attorney-client privilege and attorney work
5 product doctrine is proper. The material to be sealed is only tangentially related to the merits of
6 the case. The Court therefore applies the “good cause” standard of Rule 26(c).

7 The material proposed to be filed under seal is derived from documents that have been
8 designated “Confidential – Attorneys’ Eyes Only.” Finjan contends that the material encompasses
9 confidential business and competitive information and that the material is also privileged, which
10 the parties dispute. Dkt. No. 252. In these circumstances, the Court finds that good cause exists to
11 seal the following material:

Document	Portions to be Sealed
Joint Discovery Letter (Dkt. No. 248)	Highlighted portions on pages 2 and 3, and Exhibit A

12
13
14
15
16 **IT IS SO ORDERED.**

17 Dated: April 22, 2020

18
19 
20 VIRGINIA K. DEMARCHI
21 United States Magistrate Judge
22
23
24
25
26
27
28