

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

**ORDER GRANTING IN PART  
AND DENYING IN PART  
MOTIONS TO SEAL**

GOOGLE INC.,

Defendant.

Both parties move to seal documents submitted in support of their briefs related to the expert report of Dr. James Kearl (Dkt. Nos. 844, 849, 866, 870).

Google’s motion (Dkt. No. 844) requests to seal the redacted sections of its motion to strike portions of Dr. James Kearl’s expert report and Exhibit A to the Declaration of Daniel Purcell in support of that motion. Because no supporting declaration has been filed by either party, the request is **DENIED**.

Oracle’s motion (Dkt. No. 849) requests to seal portions of its motion to exclude portions of the rule 706 expert report of Dr. James Kearl and portions of Exhibits to the Dearborn Declaration in support thereof. Both parties submit supporting declarations (Dkt. Nos. 849-1, 886).

Portions of Oracle America, Inc.’s motion to exclude portions of the rule 706 expert report of Dr. James Kearl identified by both parties contain sensitive, non-public information that would be harmful to Oracle and Google, respectively, if made public. These materials

1 contain highly sensitive financial information, including costs, revenues, and profits.

2 Also included in these materials is discussion of a confidential license between Sun and Danger,  
3 Inc., which is covered by a non-disclosure agreement. The materials also contain discussion  
4 of an assessment of the relative value of Oracle's patents and internal projections and an  
5 assessment of Oracle's plans to enter the smartphone market. The parties have appropriately  
6 limited the amount of material to be filed under seal by specifying the portions of the motion  
7 and exhibits thereto which contain confidential information. Accordingly, Oracle's motion to  
8 seal: (1) the identified portions of Oracle America, Inc.'s motion to exclude portions of the rule  
9 706 expert report of Dr. James Kearn; (2) the identified portions of Exhibits B and D-F to the  
10 Dearborn Declaration; and (3) the entirety of Exhibit C to the Dearborn Declaration is  
11 **GRANTED**. The remainder of the request is **DENIED** for lack of a supporting declaration.


12 For Google's motion filed on April 6 (Dkt. No. 866), the request to seal redacted portions  
13 of Google's opposition to Oracle's motion to strike portions of Dr. James Kearn's expert report  
14 and Exhibit A to the Declaration of David Zimmer in support thereof is **GRANTED**. As stated  
15 in Google's supporting declaration (Dkt. No. 867), these documents contain sensitive,  
16 non-public financial data including costs, revenues, and profits as well as projections thereof.  
17 The documents also contain non-public information about Google's financial management  
18 and financial data storage. Public disclosure of this confidential information would cause harm  
19 to Google and place it at a competitive disadvantage.

20 Oracle's motion filed on April 6 (Dkt. No. 870) requests to seal portions of its opposition  
21 to Google's motion to strike portions of Dr. James Kearn's expert report and Exhibits to the  
22 Dearborn Declaration in support thereof. Both parties submit supporting declarations (Dkt. Nos.  
23 870-1, 916). The identified documents contain sensitive, non-public information about Sun's  
24 licensing policies, pricing, and negotiation strategies. They also disclose certain of Google's  
25 sensitive, non-public financial data such as costs, revenues, and profits associated with Android  
26 as well as projections thereof. The documents also contain details of a confidential license  
27 between Sun and Danger, Inc., which is covered by a non-disclosure agreement. Finally, the  
28 materials contain personal phone numbers of Google employees. Public disclosure of this

1 confidential information would cause harm to both parties, and place them at a competitive  
2 disadvantage. Accordingly, Oracle's motion as to: (1) the identified portions of its opposition  
3 to Google's motion to strike portions of Dr. James Kearl's expert report; (2) the entirety  
4 of Exhibit C to the Dearborn Declaration; and (3) the identified portions of Exhibit H to  
5 the Dearborn Declaration is **GRANTED**. The remainder of the request is **DENIED** for lack of  
6 a supporting declaration.

7  
8 **IT IS SO ORDERED.**

9  
10 Dated: April 17, 2012.

11   
12 \_\_\_\_\_  
13 WILLIAM ALSUP  
14 UNITED STATES DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28