

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-11571-RWZ

SKYHOOK WIRELESS, INC.

v.

GOOGLE, INC.

ORDER

March 3, 2015

ZOBEL, D.J.

Last Monday, Skyhook filed unredacted versions of two documents that the parties sought to file under seal on the public docket.¹ The parties notified the court of the mistake on Friday evening, after the unredacted versions had been available to the public on PACER for five days. The court temporarily sealed the filings to allow the parties time to move to correct them. Having now considered their motion (Docket # 623), it is DENIED.

Once confidential information has been published, it is no longer confidential. See, e.g., Apple Inc. v. Samsung Elecs. Co., 727 F.3d 1214, 1220 (Fed. Cir. 2013) (“[O]nce the parties’ confidential information is made publicly available, it cannot be

¹ The documents appear redacted at first glance, but the information under the redactions can easily be retrieved with standard equipment (e.g., any common PDF viewer) and no specialized expertise. I consider the filed versions to be unredacted. Skyhook also filed a second copy of one of the documents on Thursday, but it was identical to the copy that Skyhook filed on Monday.

made secret again.”); In re Copley Press, Inc., 518 F.3d 1022, 1025 (9th Cir. 2008) (“Secrecy is a one-way street: Once information is published, it cannot be made secret again.”); Gambale v. Deutsche Bank AG, 377 F.3d 133, 144 n.11 (2d Cir. 2004) (“Once the cat is out of the bag, the ball game is over.” (citation omitted)). The court does not “have the power, even were [it] of the mind to use it, to make what has thus become public private again.” Gambale, 377 F.3d at 144. With the formerly confidential information no longer secret, there is no reason for either the incorrectly redacted or the unredacted versions of the documents to be impounded.

It is HEREBY ORDERED that (1) the originally filed versions of Docket ## 592-63, 598-1, and 613-2 be unsealed and (2) the unredacted versions of these documents, filed under seal with the court pursuant to Docket # 610, be unsealed.

March 3, 2015

DATE

/s/RyaW. Zobel

RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE