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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WORKPLACE TECHNOLOGIES RESEARCH, INC., <p style="text-align: right;">Plaintiff,</p>	v. PROJECT MANAGEMENT INSTITUTE, INC., <p style="text-align: right;">Defendant.</p>
PROJECT MANAGEMENT INSTITUTE, INC., <p style="text-align: right;">Counter-Claimant,</p>	v. WORKPLACE TECHNOLOGIES RESEARCH, INC., <p style="text-align: right;">Counter-Defendant.</p>

Case No.: 18cv1927 JO (MSB)

ORDER ON MOTIONS TO SEAL

Plaintiff Workplace Technologies Research, Inc. (“WTRI”) and Defendant Project Management Institute, Inc. (“PMI”)’s filed a Joint Motion to Seal in connection with the Parties’ Motions in Limine and *Daubert* Motions. (Doc. No. 328). For the reasons set forth below, the Parties’ Joint Motion is **GRANTED-IN-PART** and **DENIED-IN-PART**.

1 **LEGAL STANDARD**

2 “[T]he courts of this country recognize a general right to inspect and copy public
3 records and documents, including judicial records and documents.” *Nixon v. Warner*
4 *Commc’ns, Inc.*, 435 U.S. 589, 597 (1978). “Unless a particular court record is one
5 ‘traditionally kept secret,’ a ‘strong presumption in favor of access’ is the starting point.”
6 *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citations
7 omitted). “The presumption of access is ‘based on the need for federal courts, although
8 independent—indeed, particularly because they are independent—to have a measure of
9 accountability and for the public to have confidence in the administration of justice.”
10 *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting
11 *United States v. Amodeo (Amodeo II)*, 71 F.3d 1044, 1048 (2d Cir. 1995)).

12 A party seeking to seal a judicial record bears the burden of overcoming the strong
13 presumption of access. *Kamakana*, 447 F.3d at 1178 (citing *Foltz v. State Farm Mut.*
14 *Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The showing required to meet this
15 burden depends upon whether the documents to be sealed relate to a motion that “is more
16 than tangentially related to the merits of the case.” *Ctr. for Auto Safety*, 809 F.3d at 1101.
17 When the underlying motion is more than tangentially related to the merits, the
18 “compelling reasons” standard applies. *Id.* at 1097–99. When the underlying motion
19 does not surpass the tangential relevance threshold, the “good cause” standard applies.
20 *Id.* Nondispositive evidentiary motions—including “routine motions in limine” and
21 *Daubert* motions may be “strongly correlative to the merits of a case.” *Id.* at 1099.

22 The decision to seal documents is “one best left to the sound discretion of the trial
23 court” upon consideration of “the relevant facts and circumstances of the particular case.”
24 *Nixon*, 435 U.S. at 599

25 **ANALYSIS**

26 Here, the Parties seek to seal three general categories of documents: (1) documents
27 previously ordered sealed by the Court; (2) documents that contain, reference, or discuss
28 non-public business information, including PMI’s alleged trade secrets; and (3) “third-

1 party” documents that were marked “CONFIDENTIAL” under the Protective Order.
2 (Doc. No. 328 at 5–9; 19–20).

3 The Court addresses each category of documents in turn. First, the Court notes
4 that in its prior August 10, 2021 Order, the Court already granted the Parties’ request to
5 seal certain documents which: (1) contained, referenced, or discussed non-public business
6 information; and/or (2) contained confidential communications between WTRI and the
7 National Science Foundation (“NSF”). (See Doc. No. 167 at 2–4). The Parties do not
8 point to anything that would call the Court’s prior Order into question. The Court,
9 therefore, renews the findings in that Order here.

10 Second, the Parties request that the Court seal a new set of documents containing
11 non-public information—including customer names, pricing information, and
12 descriptions of PMI’s alleged trade secrets. As the Court noted in its prior Order,
13 “[d]ocuments containing commercially sensitive information have been held sealable in
14 this Circuit.” *Orthopaedic Hosp. v. Encore Med., L.P.*, No. 19-CV-970 JLS (AHG),
15 2021 WL 1966121, at *2 (S.D. Cal. Apr. 12, 2021) (collecting cases); see also *Apple Inc.*
16 *v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th Cir. 2011) (“The publication of materials that
17 could result in infringement upon trade secrets has long been considered a factor that
18 would overcome [the] strong presumption” in favor of public access to court records); *In*
19 *re Incretin-Based Therapies Prod. Liab. Litig.*, No. 13MD2452 AJB (MDD), 2021 WL
20 873290, at *1 (S.D. Cal. Mar. 9, 2021) (“Courts have long acknowledged that the risk of
21 competitive harm through disclosure of confidential and proprietary information warrants
22 maintaining documents under seal, even in light of the general presumption of public
23 access to judicial documents.”).

24 Here, the Court finds the Parties have sufficiently justified sealing limited portions
25 of the Parties’ exhibits that contain such confidential, non-public information.
26 Nevertheless, a number of the Parties’ requests are not narrowly tailored “to remove from
27 public view only the material that is protected.” *Wasito v. City of San Diego*, No. 19-CV-
28 2395 JLS (JLB), at *2 (S.D. Cal. Dec. 16, 2019) (quoting *Ervine v. Warden*, 214 F. 6

1 Supp. 3d 917, 919 (E.D. Cal. 2016)). The Court addresses these requests in more detail
2 below.

3 Third, WTRI seeks to seal certain “third party” documents out of an “abundance of
4 caution.” (Doc. No. 328 at 14). It appears the “third party” documents WTRI is
5 referencing are excerpts from the deposition transcript of Dr. Alicia Sanchez and Misael
6 Labrador. *Id.* at 8–9. As an initial matter, it is unclear to the Court how these transcripts
7 are “third-party documents” when they are transcripts of depositions taken in this case.
8 Regardless, the Court has addressed WTRI’s request—and PMI’s response—below.

9 Finally, the Court notes numerous documents were lodged for sealing that: (1) the
10 Parties did not address; (2) the Parties do not now oppose to publicly filing; and/or (3)
11 were already publicly filed on the docket.¹ Given the lack of opposition, the Court will
12 order these documents to be publicly filed, to the extent they have not been already.

13 The Court has considered and ruled on each of the exhibits the Parties designated
14 for sealing as set forth in the following table:

Document	Portions	Order
Expert Rebuttal Report of Clark Aldrich (Patiño Decl., Ex. 1) (Doc. No. 252-2)	Section F.a	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Expert Report of Mickey A. Ferri, Ph.D. (Patiño Decl., Ex. 2) (Doc. No. 252-3)	Page 61, footnote 339; Page 85, ¶ 105(e)	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Expert Report of Carlyn Irwin (Patiño Decl., Ex. 4) (Doc. No. 252-4)	Page 20, footnote 80; Page 27, ¶ 63, first sentence that cites to footnote 111.	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Expert Report of Dr. Ricardo	¶¶ 78, 81	GRANTED. Previously

26
27 ¹ The Parties’ conduct resulted in the Court reviewing and addressing documents that
28 should not have been lodged for sealing. The Parties are admonished such conduct
wastes judicial resources and should be avoided in future litigation.

Document	Portions	Order
Valerdi (Patiño Decl., Ex. 6) (Doc. No. 252-5)		sealed pursuant to the Court’s August 10, 2021 Order.
Excerpts from the Deposition Transcript of Jeremiah Stepan (Patiño Decl., Ex. 12) (Doc. No. 252-6)	195:19–204:22; 295:18–300:25; 305:1–312:25; 325:1–326:1	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Excerpts from the Deposition Transcript of Ricardo Valerdi (Patiño Decl., Ex. 13) (Doc. No. 252-7)	99:10–109:12; 185:7–188:25; 241:13–248:25	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Excerpts from the Deposition Transcript of Chris Mancus (Patiño Decl., Ex. 16) (Doc. No. 252-8)	74:11–79:20; 97:3–104:2; 153:1–155:25	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Document produced by PMI in this litigation bearing Bates numbers PMI00017273–PMI00017304 (Patiño Decl., Ex. 18) (Doc. No. 252-9)	Entirety	In view of PMI’s Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the Deposition Transcript of Alicia Sanchez (Patiño Decl., Ex. 19) (Doc. No. 252-10)	191:8–200:21	<p>GRANTED-IN-PART and DENIED-IN-PART.</p> <p>PMI seeks to seal 191:8–200:21, because this portion of the transcript purportedly “explain[s] how PMI’s trade secret technology works.” (Doc. No. 328-1 at 2).</p> <p>PMI’s request is GRANTED as to 191:8–194:21; 196:14–15; 198:6–198:17; 199:16–200:21.</p> <p>It is DENIED as to the remainder of this request, which is not an explanation of</p>

Document	Portions	Order
		<p>how PMI’s trade secrets work but reflects testimony as to whether the witness would characterize PMI’s “Flows” as confidential information, when these Flows were developed, how they were stored, and who had access to them. PMI has provided no reason why these portions of the deposition transcript should be sealed.</p>
<p>Document produced by PMI in this litigation bearing Bates numbers PMI00017336–PMI00017345 (Patiño Decl., Ex. 22) (Doc. No. 252-11)</p>		<p>In view of PMI’s Non-Opposition, this document is ORDERED to be filed publicly.</p>
<p>Excerpts from the Deposition Transcript of Misael Labrador (Patiño Decl., Ex. 23) (Doc. No. 252-12)</p>	<p>37:1–38:3</p>	<p>GRANTED</p>
<p>WTRI’s Motion to Exclude/Strike (Doc. No. 252-1)</p>	<p>Page 14, footnote 4; page 19, lines 27–28; page 23, lines 8–9; page 24, lines 15–16; page 25, lines 11–12</p>	<p>GRANTED-IN-PART and DENIED-IN-PART.</p> <p>The Parties’ request is GRANTED with respect to page 19, lines 27–28, page 23, lines 8–9, page 24, lines 15–16, and page 25, lines 11–12.</p> <p>It is DENIED with respect to Page 14, footnote 4. Although these sentences cite to materials previously sealed by the Court, the discussion in the footnote itself is directed as to which entity was responsible for a Web Portal.</p>

Document	Portions	Order
		The Court's prior concern with the confidentiality of these materials had to do with the content of the source code—rather than whether PMI, WTRI, or a third-party was responsible for creating the Web Portal.
WTRI's Motions in Limine (Doc. No. 252)	Page 13, footnote 8; page 20, lines 20–26; page 22, lines 19–20; page 22, lines 26–27; page 23, lines 1–2; page 23, lines 5–6	<p>GRANTED-IN-PART and DENIED-IN-PART.</p> <p>GRANTED as to Page 13, footnote 8 and Page 22, lines 26–27.</p> <p>DENIED with respect to the remainder of the sealing request. Neither Party has provided any reason why the remaining identified excerpts should be sealed.</p>
Document bearing Bates numbers WTRI00000051–WTRI00000071 (McMeans Decl., Ex. A) (Doc. No. 254-3 at 2–23).		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates number WTRI00013019 (McMeans Decl., Ex. B) (Doc. No. 254-3 at 24–25).		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates number WTRI00029242 (McMeans Decl., Ex. C) (Doc. No. 254-3 at 26–27).		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates numbers WTRI00058255–WTRI00058275 (McMeans		In view of the Parties' Non-Opposition, this document is ORDERED to be filed

Document	Portions	Order
Decl., Ex. D) (Doc. No. 254-3 at 28–49).		publicly.
Document bearing Bates numbers WTRI00095039–WTRI00095076 (McMeans Decl., Ex. E) (Doc. No. 254-3 at 50–88).		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
PMI’s Notice of Motion/Motion in Limine No. 8 (Doc. Nos. 254, 254-1)		In view of the Parties’ Non-Opposition, these documents are ORDERED to be filed publicly.
Declaration of Hannah McMeans in Support of PMI’s Motion in Limine No. 8 (Doc. No. 254-2)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Excerpts from the 9/28/2020 deposition transcript of Dr. DiBello (Horak Decl., Ex. A) (Doc. No. 257-1)	85:25; 86:2; 251:3	GRANTED
Excerpts from LaMotta expert report (Horak Decl., Ex. B) (Doc. No. 257-2)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 4/27/2021 deposition transcript of Mr. LaMotta (Horak Decl., Ex. C) (Doc. No. 257-3)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
PMI’s Motion in Limine No. 1 (Doc. No. 257)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 9/28/2020 deposition transcript of Dr. DiBello (Horak Decl., Ex. B)	121:13; 121:15; 122:6; 128:3; 131:10; 226:10;	GRANTED

Document	Portions	Order
(Doc. No. 264-1)	226:22	
Excerpts from the 9/29/2020 deposition transcript of Dr. Lehmann (Horak Decl., Ex. C) (Doc. No. 264-2)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from LaMotta expert report (Horak Decl., Ex. D) (Doc. No. 264-3)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 4/27/2021 deposition transcript of Mr. LaMotta (Horak Decl., Ex. E) (Doc. No. 264-4)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from 11/24/2021 Joint Proposed Pretrial Conference Order (Horak Decl., Ex. F) (Doc. No. 264-5)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates number WTRI00098477 (Horak Decl., Ex. H) (Doc. No. 264-6)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
PMI's Motion in Limine No. 4 (Doc. No. 264)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from LaMotta expert report (Horak Decl., Ex. A) (Doc. No. 268-1)	PP 82; 91-93; 95-96	GRANTED. Previously sealed pursuant to the Court's August 10, 2021 Order.
Excerpts from the 4/27/2021 deposition transcript of Mr. LaMotta (Horak Decl., Ex. B) (Doc. No. 268-2)	283:9-14; 284:9-12; 284:16-21; 284:25-285:19; 286:1; 287:22	GRANTED.
Document bearing Bates number WTRI00041351 (Horak Decl., Ex. C) (Doc. No. 268-3)	WTRI00041351	GRANTED-IN-PART and DENIED-IN-PART.

Document	Portions	Order
		<p>WTRI’s request to seal the entirety of this page because it “identifies customers” is not narrowly tailored.</p> <p>WTRI is instead DIRECTED to publicly re-file this document with specific customer names redacted.</p>
<p>Document bearing Bates number WTRI00094198 (Horak Decl., Ex. D) (Doc. No. 268-4)</p>	<p>Entirety</p>	<p>GRANTED-IN-PART and DENIED-IN-PART.</p> <p>WTRI’s request to seal the entirety of this document because it “identifies potential customers” is not narrowly tailored.</p> <p>WTRI is instead DIRECTED to publicly re-file this document with specific customer names redacted.</p>
<p>Document bearing Bates number WTRI00141333 (Horak Decl., Ex. E) (Doc. No. 268-5)</p>	<p>Entirety</p>	<p>GRANTED-IN-PART and DENIED-IN-PART.</p> <p>WTRI’s request to seal the entirety of this document because it “identifies potential customers” is not narrowly tailored.</p> <p>WTRI is instead DIRECTED to publicly re-file this document with specific customer names redacted.</p>
<p>Document bearing Bates number WTRI00448157</p>	<p>February 22, 2018 e-mail</p>	<p>GRANTED-IN-PART and DENIED-IN-PART.</p>

Document	Portions	Order
(Horak Decl., Ex. F) (Doc. No. 268-6)	(WTRI00448158–WTRI00448160)	<p>WTRI’s request to seal the entirety of the February 22, 2018 e-mail, because it “identifies customers” is not narrowly tailored.</p> <p>WTRI is instead DIRECTED to publicly re-file this document with specific customer names redacted.</p>
PMI’s Motion in Limine No. 2 (Doc. No. 268)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 9/28/2020 deposition transcript of Dr. DiBello (Horak Decl., Ex. C) (Doc. No. 273-1)	251:3; 255:3	GRANTED
Excerpts from LaMotta expert report (Horak Decl., Ex. D) (Doc. No. 273-2)	¶¶ 79; 82; 91–93; 95–96; 102; Footnote 192; ¶ 103	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Excerpts from the 4/27/2021 deposition transcript of Mr. LaMotta (Horak Decl., Ex. E) (Doc. No. 273-3)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from Irwin expert report (Horak Decl., Ex. F) (Doc. No. 273-4)	Entirety	<p>GRANTED-IN-PART and DENIED-IN-PART.</p> <p>WTRI’s request to seal the entirety of this exhibit, which includes numerous pages of non-confidential information, including a table of contents, is not narrowly tailored.</p>

Document	Portions	Order
		WTRI is instead DIRECTED to publicly re-file this document with specific customer names and pricing information redacted.
Document identified by Bates number WTRI00448657	Entirety	This document was not lodged on the docket. Accordingly, the court takes no position as to whether it can properly be sealed in its entirety.
PMI's Motion in Limine No. 5 (Doc. No. 273)	Page 6, lines 18 and 20	GRANTED.
Index of Exhibits ISO PMI's Motion in Limine No. 9 (Doc. No. 278)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Excerpts from the 9/28/2020 deposition transcript of Dr. DiBello (Bakewell Decl., Ex. A) (Doc. No. 278-1)	121:13; 121:15; 122:6; 128:3	GRANTED.
Excerpts from the 10/6/2020 deposition transcript of Dr. DiBello (Bakewell Decl., Ex. B) (Doc. No. 278-2)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 9/25/2020 deposition transcript of Mr. Chamberlain (Bakewell Decl., Ex. C) (Doc. No. 278-3)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 4/27/2021 deposition transcript of Mr. LaMotta (Bakewell Decl., Ex. D) (Doc. No. 278-4)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from LaMotta expert report (Bakewell Decl., Ex. E)	¶¶ 113, 114	GRANTED. Previously sealed pursuant to the Court's

Document	Portions	Order
(Doc. No. 278-5)		August 10, 2021 Order.
Excerpts from the deposition transcript of Dr. Lehmann Bakewell Decl., Ex. F) (Doc. No. 278-6)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
PMI's Motion in Limine No. 9 (Doc. No. 277)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Declaration of EJB ISO PMI's Motion in Limine No. 9 (Doc. Nos. 277-1)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
E-mail chain between Matthew Busch, Justin Gray, Eric Bakewell and Hannah McMeans dated August 25-31, 2020 (McMeans Decl., Ex. A) (Doc. No. 281-4)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Declaration of Matthew J. Busch in Support of PMI's Ex Parte Application to Extend the Deadline to Serve Written Discovery Requests (McMeans Decl., Ex. B) (Doc. No. 281-5)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 10/1/2020 deposition transcript of Mr. Rossi (McMeans Decl., Ex. C) (Doc. No. 281-6)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 10/2/2020 deposition transcript of Mr. Burke (McMeans Decl., Ex. D) (Doc. No. 281-7)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 3/11/2021 deposition transcript of Mr. Mancus (McMeans Decl., Ex.		In view of the Parties' Non-Opposition, this document is ORDERED to be filed

Document	Portions	Order
E) (Doc. No. 281-8)		publicly.
Excerpts from the expert report of Mr. Ferrara (McMeans Decl., Ex. F) (Doc. No. 281-9)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the supplemental expert report of Mr. Ferrara (McMeans Decl., Ex. G) (Doc. No. 281-10)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the expert report of Dr. Greenspun (McMeans Decl., Ex. H) (Doc. No. 281-11)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the second supplemental expert report of Dr. Greenspun (McMeans Decl., Ex. I) (Doc. No. 281-12)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
WTRI's 30(b)(6) Notice of Deposition of PMI dated 9/8/2020 (McMeans Decl., Ex. J) (Doc. No. 281-13)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
WTRI's 30(b)(6) Notice of Deposition of PMI dated 2/1/2021 (McMeans Decl., Ex. K) (Doc. No. 281-14)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
PMI's Notice of Motion in Limine No. 6/Motion in Limine No. 6 (Doc. No. 281, 281-1)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Declaration of Hannah McMeans in support of PMI's Motion in Limine No. 6 (Doc. No. 281-2)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.

Document	Portions	Order
Excerpts from the 4/28/2021 deposition transcript of Mr. Ferrara (Yu Decl., Ex. A) (Doc. No. 288-2 at 1–22)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 5/3/2021 deposition transcript of Dr. Greenspun (Yu Decl., Ex. B) (Doc. No. 288-2 at 23–50)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 4/7/2021 expert report of Mr. Ferrara (Yu Decl., Ex. C) (Doc. No. 288-2 at 51–62)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 4/7/2021 expert report of Dr. Greenspun (Yu Decl., Ex. D) (Doc. No. 288-2 at 63–73)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 12/11/2020 expert report of Mr. LaMotta (Yu Decl., Ex. E) (Doc. No. 288-2 at 74–86)	¶¶ 79; 82; 91–93; 95–96; 102; Footnote 192; ¶ 103, 105	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Excerpts from the 4/27/2021 deposition transcript of Mr. LaMotta (Yu Decl., Ex. F) (Doc. No. 288-2 at 87–126)	268:16–19; 284:9–12; 284:16–21; 284:25–285:19	GRANTED. Previously sealed pursuant to the Court’s August 10, 2021 Order.
Excerpts from the 4/7/2021 expert report of Dr. Surati (Yu Decl., Ex. G) (Doc. No. 288-2 at 127–136)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 4/23/2021 deposition transcript of Dr. Surati (Yu Decl., Ex. H) (Doc. No. 288-2 at 137–175)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from 12/11/2020 expert report of Dr. Raisinghani (Yu Decl., Ex. I) (Doc. No. 288-2 at 176–181)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.

Document	Portions	Order
Excerpts from 4/7/2021 expert report of Dr. Raisinghani (Yu Decl., Ex. J) (Doc. No. 288-2 at 182–219)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from 4/20/2021 deposition of Dr. Raisinghani (Yu Decl., Ex. K) (Doc. No. 288-2 at 220–240)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
PMI’s Daubert Motion (Doc. No. 288)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Index of Exhibits ISO PMI’s <i>Daubert</i> Motion (Doc. No. 288-1)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
WTRI’s Opposition to PMI’s MILs (Doc. No. 295)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Excerpts from the 9/30/2020 deposition transcript of Mr. Weiss (Patiño Decl., Ex. 1) (Doc. No. 295-1)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Index of Exhibits to Bakewell Declaration (Doc. No. 297)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.

Document	Portions	Order
Document bearing Bates numbers N0004413–N0004415 (Bakewell Decl., Ex. A) (Doc. No. 297-1)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
KMS Technology Webpage (Bakewell Decl., Ex. B) (Doc. No. 297-2)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Excerpts from the 10/2/2020 deposition transcript of Ms. Holloway (Bakewell Decl., Ex. C) (Doc. No. 297-3)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 9/28/2020 deposition transcript of Dr. DiBello (Bakewell Decl., Ex. D) (Doc. No. 297-4)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates numbers WTRI00031171–WTRI00031179 (Bakewell Decl., Ex. E) (Doc. No. 297-5)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates numbers WTRI00114404–WTRI00114413 (Bakewell Decl., Ex. F) (Doc. No. 297-6)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
WTRI webpage last accessed on April 19, 2022 (Bakewell Decl., Ex. G) (Doc. No. 297-7)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
WTRI webpage last accessed on April 19, 2022 (Bakewell Decl., Ex. H) (Doc. No. 297-8)		Despite the fact this document was lodged for sealing, no Party has provided any reason

Document	Portions	Order
		for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Document bearing Bates numbers PMI00091993–PMI00091994 (Bakewell Decl., Ex. I) (Doc. No. 297-5) (Doc. No. 297-9)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates numbers PMI00180159–PMI00180162 (Bakewell Decl., Ex. J) (Doc. No. 297-10)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates numbers PMI00203097–PMI00203098 (Bakewell Decl., Ex. K) (Doc. No. 297-11)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 9/30/2020 deposition transcript of Mr. Weiss (Bakewell Decl., Ex. L) (Doc. No. 297-12)		In view of the Parties’ Non-Opposition, this document is ORDERED to be filed publicly.
Email dated November 23, 2021 with Subject “Re: WTRI v. PMI: PMI’s Witness List and Deposition Requests” (Bakewell Decl., Ex. M) (Doc. No. 297-13)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Index of Exhibits to Sardina Declaration (Doc. No. 297-14)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Document bearing Bates		In view of the Parties’ Non-

Document	Portions	Order
numbers PMI0007273– PMI00017304 (Sardina Decl., Ex. A) (Doc. No. 297-15)		Opposition, this document is ORDERED to be filed publicly.
Document bearing Bates number PMI00581150 (Sardina Decl., Ex. B) (Doc. No. 297- 16)		In view of the Parties’ Non- Opposition, this document is ORDERED to be filed publicly.
PMI's Opposition to WTRI's Motions in Limine (Doc. No. 298)		This document was already filed publicly.
Excerpts from the 12/11/2020 expert report of Ms. Irwin (Bakewell Decl., Ex. A) (Doc. No. 300-3)		In view of the Parties’ Non- Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 4/29/2021 deposition transcript of Ms. Irwin (Bakewell Decl., Ex. B) (Doc. No. 300-4)		In view of the Parties’ Non- Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 12/11/2020 expert report of Mr. Stepan (Bakewell Decl., Ex. C) (Doc. No. 300-5)		In view of the Parties’ Non- Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 5/6/2021 deposition transcript of Mr. Stepan (Bakewell Decl., Ex. D) (Doc. No. 300-6)		In view of the Parties’ Non- Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 12/11/2020 expert report of Dr. Ferri (Bakewell Decl., Ex. E) (Doc. No. 300-7)		In view of the Parties’ Non- Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 12/11/2020 expert report of Dr. Raisinghani (Bakewell Decl., Ex. F) (Doc. No. 300-8)		In view of the Parties’ Non- Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 9/28/2020 deposition transcript of Dr.		In view of the Parties’ Non- Opposition, this document is

Document	Portions	Order
DiBello (Bakewell Decl., Ex. G) (Doc. No. 300-9)		ORDERED to be filed publicly.
Excerpts from 10/2/2020 deposition transcript of Jesse Sardina (Bakewell Decl., Ex. H) (Doc. No. 300-10)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Excerpts from the 9/29/2020 deposition transcript of Ms. Redden (Bakewell Decl., Ex. I) (Doc. No. 300-11)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from 9/25/2020 deposition transcript of Sterling Chamberlain (Bakewell Decl., Ex. J) (Doc. No. 300-12)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Excerpts from the 10/1/2020 deposition transcript of Mr. Rossi (Bakewell Decl., Ex. K) (Doc. No. 300-13)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Excerpts from the 9/23/2020 deposition transcript of Mr. Carter-Bey (Bakewell Decl., Ex. L) (Doc. No. 300-14)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Declaration from Mr. Aldrich dated 8/16/2021 (with exhibits) (Bakewell Decl., Ex. M) (Doc. No. 300-15)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Declaration from Dr. Valerdi dated 8/16/2021 (with exhibits) (Bakewell Decl., Ex. N) (Doc. No. 300-16)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.

Document	Portions	Order
Declaration from Mr. Fincher dated 8/16/2021 (with exhibits) (Bakewell Decl., Ex. O) (Doc. No. 300-17)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
PMI's Opposition to WTRI's Daubert Motion (Doc. No. 300)		In view of the Parties' Non-Opposition, this document is ORDERED to be filed publicly.
Evidentiary Objections (Doc. No. 300-1)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
Index of Exhibits (Doc. No. 300-2)		Despite the fact this document was lodged for sealing, no Party has provided any reason for why it should be sealed. For these reasons, this document is ORDERED to be filed publicly.
PMI's Reply In Support Of MIL No. 5 (Doc. No. 319)	Page 5, lines 2-4; Pages 7-8, Footnote 2	GRANTED

In light of the foregoing, the Court **GRANTS IN PART** and **DENIES IN PART** the Parties' Joint Motion to Seal. Within **thirty days** of the electronic docketing of this Order:

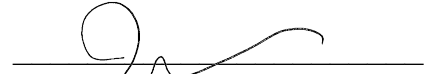
1. To the extent they have not already, the Parties are **ORDERED** to publicly file all content not covered by this Order. The Parties' filings should clearly identify each document, and which document it replaces.

2. The Clerk of Court shall **FILE** the currently lodged documents under seal: Doc. Nos. 252-2; 252-3; 252-4; 252-5; 252-6; 252-7; 252-8; 252-10; 252-12; 252-1; 252;

1 257-1; 264-1; 268-1; 268-2; 268-3; 268-4; 268-5; 268-6; 273-1; 273-2; 273-4; 273; 278-
2 1; 278-5; 288-2; 319.

3 **IT IS SO ORDERED.**

4 Dated: June 3, 2022

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6 Hon. Jinsook Ohta
7 United States District Judge
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