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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 NETWORK APPLIANCE, INC.,

No. C-07-06053 EDL

9 Plaintiff,

10 v.

11 SUN MICROSYSTEMS INC.,

**ORDER REGARDING REQUESTS TO
SEAL SUMMARY JUDGMENT BRIEFS
AND RELATED DOCUMENTS**

12 Defendant.
13 _____/

14 The parties have requested that numerous documents relating to Sun's Motion No. 1 For
15 Summary Judgment of Non-Infringement of U.S. Patent No. 6,892,211, Sun's Motion No. 2 For
16 Summary Judgment of Non-Infringement of U.S. Patent No. 6,892,211, NetApp's Motion For
17 Summary Judgment of Non-Infringement of U.S. Patent No. 5,925,106, and NetApp's Motion For
18 Summary Judgment of Non-Infringement of U.S. Patent No. 5,459,857 be filed under seal. The
19 documents that the parties request to have filed under seal include briefs, declarations, and exhibits
20 in support and in opposition to the four dispositive motions listed above.

21 The Court cautions the parties that there is a "strong presumption in favor of access" to Court
22 files, especially those relating to case- dispositive motions and related documents, and a party
23 seeking protection of such documents must present "'compelling reasons' sufficient to outweigh the
24 public's interest in disclosure and justify sealing court records." See Kamakana v. City and County
25 of Honolulu, 447 F.3d 1172, 1179 (9th Cir. 2006). The "compelling reasons" standard is invoked
26 even if the dispositive motion, or its attachments, were previously filed under seal or protective
27 order. See Foltz .v State Farm Mut. Automobile Ins. Co., 331 F.3d 1122, 1136 (9th Cir. 2003)
28 ("[T]he presumption of access is not rebutted where . . . documents subject to a protective order are
filed under seal as attachments to a dispositive motion. The . . . 'compelling reasons' standard
continues to apply."). A "good cause" showing, without more, will not satisfy the "compelling

1 reasons” test and documents and/or briefs that do not satisfy this test may accordingly be re-
2 designated as public information upon proper request. Id.

3 The parties are directed to file concise but complete briefs, with appropriate accompanying
4 declarations, setting forth the compelling reasons why any document relating to these dispositive
5 motions, or any portion thereof, should be filed under seal within one week of the date of this Order.
6 The parties are reminded that any request for protection should rigorously comply with the
7 requirement of Local Rule 79-5 that it be “narrowly tailored to seek sealing of only sealable
8 information.” The Court will not entertain requests for blanket protection of any document without
9 sufficient justification, nor will it consider requests made without presenting compelling reasons for
10 keeping the information sought to be protected confidential.

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12 **IT IS SO ORDERED.**

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14 Dated: November 16, 2009



ELIZABETH D. LAPORTE
United States Magistrate Judge