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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF A DEPOSITION  
SERVED IN:  
  
RXD MEDIA, LLC ,  
  
                    Plaintiff,  
  
                    v.  
  
IP APPLICATION DEVELOPMENT LLC,  
  
                    Defendant.

Case No. [15-mc-80291-SK](#)  
  
**ORDER RE MOTION TO SEAL**  
  
Regarding Docket No. 5

Now before the Court is the motion to seal filed by Apple Inc. As a public forum, the Court may only entertain requests to seal that establish good cause and are narrowly tailored to seal only the particular information that is genuinely privileged or protectable as a trade secret or otherwise has a compelling need for confidentiality. *See* Northern District Civil L.R. 79-5(b) & cmt. Parties seeking to file documents, or portions thereof, under seal must file a declaration to establish that “the document sought to be filed under seal, or portions thereof, are sealable. Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” Northern District Civil L.R. 79-5(d)(1)(A); *see also See Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178-81 (9th Cir. 2006) (“Those who seek to maintain the secrecy of documents ... must meet the high threshold of showing that ‘compelling reasons’ support secrecy.”).

Upon review of the motion to seal and the accompanying documents, the Court finds that with the exception of Exhibit 1, none of the content appears to be sealable. It is not clear how the reference to the fact of an agreement, without disclosing any of its terms, has a compelling need for confidentiality. Nor is it clear how a description of a specific employee’s responsibilities at Apple or his purported involvement, or lack thereof, with the agreement at issue, meets the high

1 standard necessary for filing documents under seal. However, before denying the motion to seal  
2 and ordering that the documents be publicly filed without any redaction, the Court will provide  
3 Apple with another opportunity to demonstrate that the requested portions of the documents are  
4 sealable. Apple shall provide additional support for its motion to seal by no later than December  
5 4, 2015. The Court will RESERVE RULING on Apple's motion to seal pending receipt of  
6 Apple's additional support.

7 Moreover, Apple shall file a proof of service of its papers in this action by no later than  
8 December 3, 2015.

9 **IT IS SO ORDERED.**

10 Dated: November 30, 2015



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12 SALLIE KIM  
13 United States Magistrate Judge  
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