

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DSS TECHNOLOGY MANAGEMENT,
INC.,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No. [14-cv-05330-HSG](#)

ORDER ON MOTIONS TO SEAL

Re: Dkt. No. 428

Pending before the Court is Plaintiff DSS Technology Management Inc. and Defendant Apple, Inc.’s renewed motion to seal. See Dkt. No. 428. For the reasons detailed below, the Court **GRANTS** the motion.

I. LEGAL STANDARD

Courts generally apply a “compelling reasons” standard when considering motions to seal documents. *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)). “This standard derives from the common law right ‘to inspect and copy public records and documents, including judicial records and documents.’” *Id.* (quoting *Kamakana*, 447 F.3d at 1178). “[A] strong presumption in favor of access is the starting point.” *Kamakana*, 447 F.3d at 1178 (quotations omitted). To overcome this strong presumption, the party seeking to seal a judicial record attached to a dispositive motion must “articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process” and “significant public events.” *Id.* at 1178–79 (quotations omitted).

1 Records attached to nondispositive motions must meet the lower “good cause” standard of
2 Rule 26(c) of the Federal Rules of Civil Procedure, as such records “are often unrelated, or only
3 tangentially related, to the underlying cause of action.” *Id.* at 1179–80 (quotation omitted). This
4 requires a “particularized showing” that “specific prejudice or harm will result” if the information
5 is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th
6 Cir. 2002); see also Fed. R. Civ. P. 26(c). “Broad allegations of harm, unsubstantiated by specific
7 examples of articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966
8 F.2d 470, 476 (9th Cir. 1992) (quotation omitted).

9 Because the parties move to file documents related to nondispositive motions, the Court
10 will apply the lower good cause standard.

11 **II. ANALYSIS**

12 The parties have provided good cause for sealing portions of the various documents listed
13 below because they contain confidential business and proprietary information relating to the
14 operations of Defendant. See *Apple Inc. v. Samsung Elecs. Co., Ltd.*, No. 11-CV-01846-LHK,
15 2012 WL 6115623 (N.D. Cal. Dec. 10, 2012); see also *Agency Solutions.Com, LLC v. TriZetto*
16 *Group, Inc.*, 819 F. Supp. 2d 1001, 1017 (E.D. Cal. 2011); *Linex Techs., Inc. v. Hewlett-Packard*
17 *Co.*, No. C 13-159 CW, 2014 WL 6901744 (N.D. Cal. Dec. 8, 2014). The Court originally denied
18 the parties’ motions to seal the entirety of the exhibits as the request was not narrowly tailored.
19 The parties have now tailored the request to conceal only the information regarding the identity
20 and operations of third party supplied components in Apple’s products or containing confidential
21 information regarding the operations of source code for Apple’s products. The parties have
22 identified portions of the unredacted versions of motions and exhibits as containing confidential
23 and proprietary business information, and the Court finds good cause to grant the motion to seal.

24 **III. CONCLUSION**

25 Accordingly, the Court **GRANTS** the parties’ renewed motion to seal. The following
26 portions of exhibits shall remain sealed:

- 27 1. Exhibits 11, 25, 26, 27 and 29 to DSS’ Administrative Motion to Seal DSS’ Motion
28 to Amend Infringement Contentions (Dkt. 215-12, 215-26, 215-27, 215-28, 215-

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30/(213-15, 214-11, 214-12, 214-13, 214-15)),

2. Exhibit K to Apple’s Opposition to DSS’ Motion to Amend Infringement Contentions and Cross-Motion to Strike Expert Report (Dkt. 220-12/(219-16)),
3. Exhibit 2 to DSS’ Opposition to Apple’s Cross-Motion to Strike Expert Report (Dkt. 234-3/(233-8))
4. Exhibits 4 and 36 to DSS’ Reply ISO Motion to Amend Infringement Contentions (Dkt. 232-5, 232-37/(231-9, 231-41)).

Redacted versions of these documents, consistent with this order, are available at Dkt. No. 428.

IT IS SO ORDERED.

Dated: 1/30/2020


HAYWOOD S. GILLIAM, JR.
United States District Judge