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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

DOMINION ASSETS LLC,
Plaintiff,
v.
MASIMO CORPORATION, et al.,
Defendants.

Case No. 14-cv-03002-BLF

ORDER RE SEALING MOTION
[Re: ECF 78]

This order specifically addresses Defendants’ renewed administrative motion to file under seal portions of an exhibit in relation to their motion for summary judgment. For the reasons stated below, the motion is GRANTED.

I. LEGAL STANDARD

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc ’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097. In addition, sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient

1 to establish that a document, or portions thereof, are sealable.” *Id.*

2 **II. DISCUSSION**

3 Defendants move to seal portions of pages 11-12, 19-22, 24-26, 28-32, 35-42, 44-45, 47,
4 49-65 and 69-71 of their Exhibit H to the Declaration of Brian C. Claassen in Support of
5 Defendants Masimo Corporation and Cercacor Laboratories Inc.’s Motion for Summary Judgment
6 of Noninfringement and Invalidity. ECF 78 at 3. This information has been designated
7 confidential by Defendants. *Id.* As the designating party, Defendants filed a declaration
8 indicating that this material contains trade secret technical information regarding the operation of
9 the accused products. Claassen Decl. ¶¶ 4-6, ECF 78-1. Defendants’ declaration also indicates
10 that this material includes quotations from U.S. Patent Application No. 11/367,017, which is a
11 patent application filed with a non-publication request pursuant to 35 U.S.C. § 122(b)(2)(B)(i).
12 Claassen Decl. ¶ 7, ECF 78-1. The Court finds the sealing request to be narrowly tailored.
13 Accordingly, the Court GRANTS Defendants’ motion to seal.

14 **IT IS SO ORDERED.**

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16 Dated: November 9, 2016

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18 BETH LABSON FREEMAN
United States District Judge

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