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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**
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7 NAUTILUS BIOTECHNOLOGY, INC.,

8 Plaintiff,

9 v.

10 SOMALOGIC, INC., et al.,

11 Defendants.

Case No. [23-cv-06440-BLF](#)

**ORDER GRANTING
ADMINISTRATIVE MOTIONS TO
SEAL REGARDING FIRST AMENDED
COMPLAINT**

[Re: ECF No. 32, 33]

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13 Before the Court are (1) Plaintiff Nautilus Biotechnology, Inc.'s ("Plaintiff") Administrative
14 Motion to File Under Seal Portions of Plaintiff's First Amended Complaint, ECF 32; and (2)
15 Plaintiff's Administrative Motion to Consider Whether Another Party's Material Should Be Sealed,
16 ECF 33. Defendants SomaLogic, Inc., and California Institute of Technology (collectively,
17 "Defendants") did not oppose to either motion. Additionally, Defendants filed a declaration in
18 support of Plaintiff's Motion to Consider Whether Another Party's Material Should be Sealed. ECF
19 36. Having reviewed the Parties' submissions and applicable sealing law, the Court GRANTS
20 Plaintiff's requests to seal.
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22 **I. LEGAL STANDARD**

23 "Historically, courts have recognized a 'general right to inspect and copy public records and
24 documents, including judicial records and documents.'" *Kamakana v. City & Cty. of Honolulu*, 447 F.3d
25 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)).
26 Accordingly, when considering a sealing request, "a 'strong presumption in favor of access' is the
27 starting point." *Id.* (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir.
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1 2003)). Parties seeking to seal judicial records relating to motions that are “more than tangentially related
2 to the underlying cause of action,” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1099 (9th
3 Cir. 2016), bear the burden of overcoming the presumption with “compelling reasons supported by
4 specific factual findings that outweigh the general history of access and the public policies favoring
5 disclosure.” *Kamakana*, 447 F.3d at 1178–79 (internal quotation marks and citation omitted).

6 Compelling reasons justifying the sealing of court records generally exist “when such ‘court files
7 might . . . become a vehicle for improper purposes,’” *Kamakana*, 447 F.3d at 1179 (quoting *Nixon*, 435
8 U.S. at 598), such as: “to gratify private spite, promote public scandal, circulate libelous statements,”
9 *id.*; to “release trade secrets,” *id.*; or “as sources of business information that might harm a litigant’s
10 competitive standing,” *Ctr. for Auto Safety*, 809 F.3d at 1097 (quoting *Nixon*, 435 U.S. at 598–99). On
11 the other hand, “[t]he mere fact that the production of records may lead to a litigant’s embarrassment,
12 incrimination, or exposure to further litigation will not, without more, compel the court to seal its
13 records.” *Kamakana*, 447 F.3d at 1179. “Broad allegations of harm, unsubstantiated by specific
14 examples or articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470,
15 476 (9th Cir. 1992) (citation omitted). And although a protective order sealing the documents during
16 discovery may reflect a court’s previous determination that good cause—a lower threshold than that
17 required for finding a compelling reason to seal—exists to keep the documents sealed, *see Kamakana*,
18 447 F.3d at 1179–80, a blanket protective order that allows the parties to designate confidential
19 documents does not provide sufficient judicial scrutiny to determine whether each particular document
20 should remain sealed. *See Civ. L.R. 79-5(d)(1)(A)* (“Reference to a stipulation or protective order that
21 allows a party to designate certain documents as confidential is not sufficient to establish that a
22 document, or portions thereof, are sealable.”).

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25 In addition, the Local Rules of this Court require that all requests to seal be “narrowly tailored
26 to seek sealing only of sealable material.” Civ. L.R. 79-5(a). That is, the sealing motion must include “a
27 specific statement of the applicable legal standard and the reasons for keeping a document under seal,
28 including an explanation of: (i) the legitimate private or public interests that warrant sealing; (ii) the

1 injury that will result if sealing is denied; and (iii) why a less restrictive alternative to sealing is not
2 sufficient.” *Id.* at 79-5(c)(1).

3 **II. DISCUSSION**

4 The material under consideration for sealing concerns information that Plaintiff has deemed
5 confidential, *i.e.*, information related to (1) Plaintiff’s technical features, components, and design of
6 its unreleased platform, ECF 32 at 2, and (2) sensitive business and financial terms contained in
7 Defendants’ licenses and agreements with a non-party competitor, ECF 36 at 1. With regard to the
8 former, Plaintiff requests the Court seal approximately 7 lines of text and a figure in Plaintiff’s First
9 Amended Complaint on the basis that the portion contains “technical details includ[ing]
10 configuration of the key components of [Plaintiff’s] unreleased platform.” Decl. of Derek C. Walter,
11 ECF 32-1 at ¶ 3. Plaintiff states that the information is “highly confidential” and would cause
12 Plaintiff “competitive harm” if disclosed publicly. *Id.* With regard to the later, in support of
13 Plaintiff’s request to seal approximately 25 lines of text in Plaintiff’s First Amended Complaint
14 related to Defendants’ licensing agreements with the non-party competitor, Defendants state that
15 those information contains confidential business and financial terms and would put Defendants and
16 the non-party competitor in a “disadvantaged” position for future licensing discussions. Decl. of
17 Sandra L. Haberny, ECF 36 at ¶ 4.

18 The Court finds that Plaintiff has established compelling reasons to seal information that would
19 reveal its unreleased platform information and Defendants’ confidential business and financial terms in
20 their licensing agreements. *See, e.g., In re Elec. Arts*, 298 F. App’x. 568, 569 (9th Cir. 2008) (finding
21 compelling reasons for sealing “business information that might harm a litigant’s competitive strategy”);
22 *Music Grp. Macao Com. Offshore Ltd. v. Foote*, 2015 WL 3993147, at *6 (N.D. Cal. June 30, 2015)
23 (“[T]he Court finds a compelling reason to seal the portions of this exhibit that discuss Plaintiff’s network
24 infrastructure and security systems.”); *In re Google Location Hist. Litig.*, No. 5:18-cv-05062-EJD, 514
25 F. Supp. 3d 1147, 1162 (N.D. Cal. Jan. 25, 2021) (“Compelling reasons may exist to seal ‘trade secrets,
26 marketing strategies, product development plans, detailed product-specific financial information,
27 customer information, internal reports[.]’”) (citation omitted). The public interest in this information is
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1 limited where the content sought to be sealed is irrelevant to the issues raised in the related MSJ. *See*
 2 *Kamakana*, 447 F.3d at 1179 (finding that the reason for the higher standard for sealing documents
 3 related to dispositive motions is because “resolution of a dispute on the merits . . . is at the heart of” the
 4 public interest so the public has less of a need to access documents that are “unrelated or only tangentially
 5 related” to the merits of the motion). Additionally, the Court finds Plaintiff’s sealing requests to be
 6 narrowly tailored so that there is no less restrictive alternative to redacting the information at issue.

7 Accordingly, the Court GRANTS Plaintiff’s sealing requests as set forth in the table below:

Public ECF No./ (Sealed ECF No.)	Document to be Sealed	Result	Reasoning
34/(32-3)	Plaintiff’s First Amended Complaint (highlighted portions on pg. 14, lines 6-18).	GRANTED	The highlighted portions of the document that Plaintiff seeks to seal reflect specific technical details of Plaintiff’s unreleased platform. <i>See</i> ECF 32-1 at ¶ 3.
34/(32-3)	Plaintiff’s First Amended Complaint (highlighted portions at pg. 2, lines 8-9; pg. 3, lines 9-16, 18-19, 21-26; pg. 6, lines 1-3; pg. 12, lines 17-19; and pg. 13, line 10).	GRANTED	The highlighted portions of the document that Plaintiff seeks to seal contain confidential business information regarding Defendants’ license agreements. <i>See</i> ECF 36, Haberny Decl., at ¶ 4.

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23 **IT IS SO ORDERED.**

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25 Dated: November 26, 2024

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 28 BETH LABSON FREEMAN
 United States District Judge