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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: QUALCOMM LITIGATION

Case No.: 17cv108-GPC-MDD

**ORDER GRANTING MOTION TO  
FILE DOCUMENTS UNDER SEAL**

**[ECF No. 398]**

On March 26, 2018, Plaintiff and Counterclaim-Defendant Apple Inc. filed a Motion to Seal certain documents. (ECF No. 398). The motion seeks to seal an unredacted copy of a Joint Motion for Determination of Discovery Dispute and the Declaration of James W. Carlson in support of Apple's position in the Joint Motion. (*Id.*).

The Court has reviewed the documents and finds that the Joint Motion contains redacted information throughout. (ECF No. 397 at 1, 11; ECF No. 397-1 at 6-7).

Federal courts recognize "a strong presumption in favor of access to judicial documents which can be overcome only by showing sufficiently important countervailing interests." *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1212-13 (9th Cir. 2002) (quoting *San Jose*

1 *Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1102 (9th Cir. 1999))  
2 (additional citations omitted). However, this presumption does not apply to  
3 “sealed discovery document[s] attached to ... non-dispositive motion[s].” *In re*  
4 *Nat’l Sec. Agency Telcoms. Records Litig.*, 2007 U.S. Dist. LEXIS 14473, WL  
5 549854, \*42 (N.D. Cal. Feb. 20, 2007) (citing *Kamakana v. City & Cnty. Of*  
6 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

7 The Court finds that the Joint Motion and Declaration shall be sealed.  
8 Accordingly, the Motion to Seal is **GRANTED**. Apple has already  
9 electronically lodged on the docket the necessary redacted versions of these  
10 papers publicly and the unredacted version of these papers under seal. The  
11 Clerk shall file the lodged documents at ECF Nos. 399 and 399-1 under seal.

12 **IT IS SO ORDERED.**

13 Dated: April 10, 2018



14 Hon. Mitchell D. Dembin  
15 United States Magistrate Judge