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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: QUALCOMM LITIGATION

Case No.: 17cv108-GPC-MDD

**ORDER GRANTING IN PART
MOTIONS TO FILE DOCUMENTS
UNDER SEAL**

[ECF Nos. 554, 561]

On July 10, 2018, Apple filed a Motion to Seal certain documents. (ECF No. 554). The motion seeks to seal an unredacted copy of the Emergency Motion to Strike Portions of Qualcomm’s Expert Reports. (*Id.*). On July 18, 2018, Qualcomm filed their own Motion to Seal documents under seal. (ECF No. 561). Qualcomm’s motion seeks to seal an unredacted copy of documents supporting their Response in Opposition to Apple’s emergency motion. (*Id.*).

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 Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1102 (9th Cir. 1999)) (additional citations omitted). However, this presumption does not apply to

1 “sealed discovery document[s] attached to ... non-dispositive motion[s].” *In re*
2 *Nat’l Sec. Agency Telcoms. Records Litig.*, 2007 U.S. Dist. LEXIS 14473, WL
3 549854, *42 (N.D. Cal. Feb. 20, 2007) (citing *Kamakana v. City & Cnty. Of*
4 *Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

5 The Court, having reviewed the documents, finds that Apple’s motion to
6 seal is granted in part as follows:

- 7 1) Apple’s Memo of Points and Authorities, filed under seal as ECF No.
8 555-1, is unsealed;
- 9 2) Exhibit 7 to Apple’s Motion, currently filed as ECF No. 555-4, is
10 unsealed with the following exception: the addresses and phone
11 numbers of those persons identified shall remain sealed; and
- 12 3) The remaining Exhibits filed at ECF No. 555 are to be filed under
13 seal.

14 The Court further finds that Qualcomm’s motion to seal is granted in
15 part as follows:

- 16 1) Qualcomm’s Response in Opposition, filed under seal at ECF No. 562,
17 should be unsealed in its entirety;
- 18 2) Appendix A to Qualcomm’s response, filed at ECF No. 562-1 shall be
19 unsealed; and
- 20 3) The remaining Exhibits filed at ECF No. 562 are to be filed under
21 seal.

22 Accordingly, the Motions to Seal are **GRANTED in part and**
23 **DENIED in part**. The parties have already electronically lodged on the
24 docket the necessary redacted versions of the papers publicly and the
25 unredacted versions of the papers under seal. Apple is **ORDERED** to file a
26 redacted version of ECF No. 555-4 that eliminates individual’s addresses and
27 phone numbers within five days of the date of this Order.

1 The Clerk shall delay unsealing for seven days to allow the parties to
2 file additional support for their motions to seal these particular documents.

3 **IT IS SO ORDERED.**

4 Dated: August 21, 2018



5 Hon. Mitchell D. Dembin
6 United States Magistrate Judge

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