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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 No. 647]

On October 9, 2018, Apple filed a Motion to Seal certain documents. (ECF No. 647). The motion seeks to seal an unredacted copy of Apple and Qualcomm’s Joint Motion for Determination of Discovery Dispute regarding thirty-four clawed back documents and certain declarations and exhibits in support (“April 27 Joint Motion,” ECF No. 455), and the Joint Motion for Determination of Discovery Dispute regarding six clawed back documents and certain exhibits in support (“June 28 Joint Motion,” ECF No. 546). (*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))

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

6 The Court finds that the April 27 Joint Motion and the June 28 Joint
7 Motion shall be sealed. Accordingly, the Motion to Seal is GRANTED. Apple
8 has already electronically lodged on the docket the necessary redacted
9 version of the papers publicly and the unredacted version of the papers under
10 seal. The Clerk shall file the lodged documents at ECF No. 658 under seal.

11 **IT IS SO ORDERED.**

12 Dated: December 27, 2018



13
14 Hon. Mitchell D. Dembin
United States Magistrate Judge