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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SERVER TECHNOLOGY, INC., a Nevada corporation,)	
)	
Plaintiff and Counterdefendant,)	3:06-CV-00698-LRH-VPC
)	
v.)	<u>ORDER</u>
)	
AMERICAN POWER CONVERSION CORPORATION, a Massachusetts corporation,)	
)	
Defendant and Counterclaimant)	

Before the court are plaintiff and counter-defendant Server Technology, Inc.’s (“STI”) motion to seal certain exhibits attached in support of its motion for summary judgment (Doc. #285); motion to seal exhibits in support of its opposition to defendant and counter-claimant American Power Conversion Corp.’s (“APC”) motion for summary judgment (Doc. #308); and motion to seal appendix (Doc. #316). Also before the court is APC’s motion for leave to seal certain exhibits. Doc. #354.

As an initial matter, the court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135

1 (9th Cir. 2005). Specifically, a party must “articulate compelling reasons supported by specific
2 factual findings that outweigh the general history of access and the public policies favoring
3 disclosure.” *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)
4 (internal citations omitted).

5 Here, in this patent infringement action, the court has entered a protective order governing
6 documentation and testimony that is confidential to the parties’ internal research and development.
7 The court has reviewed the documents and pleadings on file in this matter and finds that the
8 various exhibits contain information that is designated “Confidential” and “Highly Confidential”
9 under the protective order. Therefore, the court finds that the parties have satisfied their burden to
10 show compelling reasons for filing the various exhibits and documents under seal.

11
12 IT IS THEREFORE ORDERED that plaintiff/counter-defendant’s motion seal certain
13 exhibits attached in support of its motion for summary judgment (Doc. #285); motion to seal
14 exhibits in support of its opposition to defendant/counter-claimant’s motion for summary judgment
15 (Doc. #308); and motion to seal appendix (Doc. #316) are GRANTED.

16 IT IS FURTHER ORDERED that defendant/counter-claimant’s motion for leave to seal
17 certain exhibits (Doc. #354) is GRANTED.

18 IT IS SO ORDERED.

19 DATED this 28th day of March, 2012.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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