

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DURAMED PHARMACEUTICALS, INC.,

Plaintiff,

v.

WATSON LABORATORIES, INC.,

Defendant.

3:08-cv-0116-LRH-RAM

ORDER

Before the court are plaintiff Duramed Pharmaceuticals, Inc.’s (“Duramed”) motion for leave to seal motion for status conference (Doc. #248¹); motion for leave to seal reply to motion for status conference (Doc. #253); motion for leave to seal motion for preliminary injunction (Doc. #262); and motion for leave to seal reply to motion for a preliminary injunction (Doc. #283).

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 (9th Cir. 2005). Specifically, a party must “articulate compelling reasons supported by specific factual

¹ Refers to the court’s docket number.

1 findings that outweigh the general history of access and the public policies favoring disclosure.”
2 *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citations
3 omitted).

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

10
11 IT IS THEREFORE ORDERED that plaintiff’s motion for leave to seal motion for status
12 conference (Doc. #248); motion for leave to seal reply to motion for status conference (Doc. #253);
13 motion for leave to seal motion for preliminary injunction (Doc. #262); and motion for leave to seal
14 reply to motion for a preliminary injunction (Doc. #283) are GRANTED.

15 IT IS SO ORDERED.

16 DATED this 25th day of August, 2011.



17
18

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE