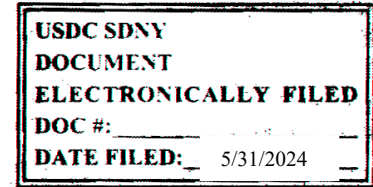


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
IBM CORPORATION,

22-cv-9910(VB)(VR)

Plaintiff,

OPINION & ORDER

-against-

MICRO FOCUS (US) INC.,

Defendant.

-----X
VICTORIA REZNIK, United States Magistrate Judge:

The Court recently issued a ruling on Micro Focus’s motion to exclude. (ECF Nos. 238). When Micro Focus filed their motion papers and reply papers, they asked to file unredacted versions of these documents under seal and to file certain exhibits under seal as well. (ECF Nos. 208, 220). IBM also asked to file an unredacted version of their opposition and certain exhibits under seal. (ECF No. 215). On May 23, 2024, the parties submitted a joint letter stating that they do not object to each other’s sealing requests. (ECF No. 240).

To overcome the presumption of public access afforded to filed documents, the Court must make specific, on the record findings that sealing is (1) necessary “to preserve higher values,” and (2) “is narrowly tailored to serve that interest.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006). Courts in this District routinely permit parties to seal or redact commercially sensitive information to protect confidential business interests and financial information. *See, e.g., Rubik’s Brand Ltd. v. Flambeau, Inc.*, No. 17-CV-6559 (PGG) (KHP), 2021 WL 1085338, at *1 (S.D.N.Y. Mar. 22, 2021). The Court has reviewed the parties’ proposed requests and determined that they are narrowly tailored to seal and redact only commercially sensitive information to protect confidential business interests.

Consequently, the Clerk of Court is requested to keep ECF Nos. 211, 213, 213-1 to 213-11, 217, 219, 219-1 to 219-21, 222, and 222-1 as accessible only to selected parties.

SO ORDERED.

DATED: White Plains, New York
May 31, 2024



VICTORIA REZNIK
United States Magistrate Judge