

Id. at 288 (citing Stone v. Univ. of Md. Med. Sys. Corp., 855 F.2d 178, 181 (4th Cir. 1988), and In re Knight Pub. Co., 743 F.2d 231, 235-36 (4th Cir. 1984)). Even when no third party challenges a motion to seal, the Court must still ensure the motion is supported by good cause. Auburn Univ. v. IBM Corp., No. 3:09-cv-694-MEF, unpublished, available at 2010 WL 3927737, at *2 (M.D. Ala. Oct. 4, 2010).

With respect to the documents ordered sealed below, the Court FINDS that the documents to be sealed contain information which may reveal proprietary matters related to the technology at issue in the litigation. The information is of little public interest but may be of great interest to business competitors seeking to exploit public disclosure for competitive gain. For this reason the material was designated Confidential by the parties under the Protective Order entered in this matter on January 23, 2012 (ECF No. 85). Importantly, the documents sought to be sealed by these motions do not support requests for case-dispositive relief on the merits and, as a result, the public's presumed right of access may be more limited than if the documents supported a request for merits relief. See Regscan, Inc. v. Bureau of Nat. Affairs, No. 1:11cv1129 (unpublished) 2011 WL 5239221 (E.D. Va. November 1, 2011).

Considering the foregoing authority, the Court FINDS that the redacted versions of the documents already filed in the record adequately disclose the parties' positions while preserving the confidentiality of materials not generally available to the public. In addition, given the volume of material concerning the discovery dispute already in the public record, the burden of preparing redacted versions would not be justified based on the limited value of redacted versions to the public record. Accordingly, the Court ORDERS the following documents to be maintained under seal in connection with the pending motions they support.


Google's Motion to Seal, ECF No. 142:

ECF No. 150 – Google's Opposition Brief to Plaintiff's Motion to Compel Google's Custodial Document Production. **Public (redacted) Version filed at ECF No. 145.**

ECF No. 150-1 – Declaration of Kristin Zmrhal in Support of Defendant Google Inc.'s Opposition to Plaintiff's Motion to Compel Production of Custodial Documents. **Public (redacted) Version filed at ECF No. 146.**

ECF No. 150-2 through 150-7 – Exhibits H, O, Q, R, S and U to the Declaration of Emily O'Brien in Support of Google Inc.'s Opposition to Plaintiff's Motion to Compel Google's Custodial Document Production. **Public (redacted) Versions filed at ECF Nos. 147-8, 147-15, 147-17, 147-18, 147-19 and 147-21 respectively.**

This Order speaks only to those documents specifically identified in the motion and may not be cited to or relied on by the parties to seal or otherwise restrict access to documents already in the public record. In addition, the Order speaks to these documents only in connection with the pending written motion they support, and the Court makes no finding with respect to the propriety of sealing these or similar documents if they are cited to or relied upon in connection with future proceedings, including the propriety of sealing documents introduced as evidence, offered to support motions seeking case or issue-dispositive relief or explicitly relied upon by the Court in awarding the relief sought by these motions. See Va. Dept. of State Police v. The Washington Post, 386 F.3d 567, 576-78 (4th Cir. 2004).

/s/
Douglas E. Miller 
United States Magistrate Judge

DOUGLAS E. MILLER
UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia

May 2, 2012