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THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GINA KIM, on behalf of a class consisting
of herself and all other persons similarly
situated,

Plaintiffs, and as to Ms.
Kim, counterclaim
defendant,

v.

COACH, INC., a Maryland corporation,
and COACH SERVICES, INC., a
Maryland corporation,

Defendants, and, as to
Coach, Inc., counterclaim
plaintiff.

NO. 2:11-cv-00214-RSM

COACH, INC.’S MOTION TO SEAL

**NOTED FOR CONSIDERATION:
APRIL 8, 2011**

Pursuant to Local Rule 5(g), defendant Coach, Inc. (“Coach”) hereby respectfully
makes this request to have the following documents, filed herewith, filed under seal:

1. Coach, Inc.’s Opposition to Special Motion to Strike (the “Opposition”), and
2. Declaration of John Macaluso (and attached exhibits) in Support of Defendant
Coach Inc.’s Opposition to Special Motion to Strike (the “Macaluso Declaration”).

The Opposition and Macaluso Declaration are filed in connection with the Court’s
consideration of plaintiffs Jay Carlson and Christopher Carney’s Motion to Strike and for
Sanctions Pursuant to Washington Anti-SLAPP Statute, RCW 4.24.525 (Dkt. No. 9). *See*
Declaration of Patrick Eagan in Support of Coach, Inc.’s Motion to Seal (“Eagan Dec.”) ¶ 2.

1 There are sufficient and compelling reasons to permit the filing of the Opposition and
2 the Macaluso Declaration under seal. Local Rule 5(g)(1) provides for filing under seal where
3 “the public’s right of access is outweighed by the interests of the public and the parties in
4 protecting files, records, or other documents from public review.” Sealing documents in the
5 Court record is appropriate where the documents contain confidential or sensitive business
6 information. *See Omax Corp. v. Flow Intern. Corp.*, No. C04-2334RSL, 2007 WL 3232540,
7 *1 (W.D. Wash., Oct. 31, 2007) (sealing certain documents relating to businesses’ “long-term
8 strategic plans, proprietary software, control methodology and cutting models, and/or customer
9 and competitor research,” where “disclosure . . . would put [parties] at a competitive
10 disadvantage”).

11 The Opposition and Macaluso Declaration contain highly confidential business
12 information concerning how Coach identifies counterfeit products, the public disclosure of
13 which would enable counterfeiters to evade detection and which would harm Coach’s business.
14 *See Eagan Dec.* ¶¶ 3-5; *Macaluso Dec.* ¶ 1. Online sales of counterfeit products are a major
15 problem for intellectual property holders such as Coach. *Eagan Dec.* ¶¶ 3-5; *Macaluso Dec.*
16 ¶ 3. Online sales of counterfeit products also injure the general public, who believe that they
17 are obtaining high-quality merchandise and instead receive poor-quality knockoffs. The
18 Opposition and Macaluso Declaration contain information concerning Coach’s efforts to
19 monitor and enforce Coach’s intellectual property rights on the internet. *Eagan Dec.* ¶¶ 3-5.
20 Accordingly, Coach respectfully requests that the Court grant the motion and permit Coach to
21 file the Opposition and Macaluso Declaration under seal.

1 Dated this 28th day of March, 2011.

2 DLA Piper LLP (US)

3
4 By: /s/ Stelman Keehnel

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6 R. Omar Riojas, WSBA No. 35400

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16 Attorneys for defendant and counterclaim plaintiff
17 Coach, Inc.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 28, 2011, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to all
4 counsel of record.

5 Dated this 28th day of March, 2011.

6
7 /s/ Stelman Keehnel
8 Stelman Keehnel, WSBA No. 9309

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