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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE: PERSONAL WEB TECHNOLOGIES, LLC ET AL., PATENT LITIGATION	Case No. 5:18-md-02834-BLF
AMAZON.COM, INC., and AMAZON WEB SERVICES, INC., Plaintiffs, v. PERSONALWEB TECHNOLOGIES, LLC and LEVEL 3 COMMUNICATIONS, LLC, Defendants.	Case No.: 5:18-cv-00767-BLF **ADMINISTRATIVE MOTION TO FILE UNDER SEAL EXHIBIT 9 TO SHAMILOV DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**
PERSONALWEB TECHNOLOGIES, LLC and LEVEL 3 COMMUNICATIONS, LLC, Counterclaimants, v. AMAZON.COM, INC., and AMAZON WEB SERVICES, INC., Counterdefendants.	

1   Pursuant to Civil Local Rules 7-11 and 79-5(d), Amazon.com, Inc. and Amazon Web

2 Services, Inc. (collectively, "Amazon") hereby move for administrative relief to file under seal

3 Exhibit 9 to the Declaration of Saina S. Shamilov in support of Amazon's motion for summary

4 judgment ("Shamilov Declaration").

5   Amazon requests leave to file this exhibit under seal because it contains, characterizes, or

6 refers to highly confidential business information. Specifically, the exhibit comprises infringement

7 contentions served by PersonalWeb Technologies, LLC and Level 3 Communications, LLC

8 ("PersonalWeb") in a prior case. In these contentions, PersonalWeb reproduces portions of highly

9 sensitive source code for Amazon's Simple Storage Service (S3). Amazon does not make this code

10 publicly available and limits access to this code to employees at Amazon responsible for this service.

11 In the Ninth Circuit, a party seeking to file documents under seal in connection with a dispositive

12 motion must establish compelling reasons for doing so to rebut the presumption against public

13 access. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). As further

14 explained in the declaration of Ravi R. Ranganath in Support of Amazon's administrative motion to

15 file under seal ("Ranganath Declaration"), the confidential source code Amazon seeks to file under

16 seal meets this standard. *See Opperman v. Path*, *Inc.*, No. 13-cv-00453-JST, 2017 WL 1036652, at

17 *2 (N.D. Cal. Mar. 17, 2017) (sealing excerpts of developers' proprietary source code in summary

18 judgment pleadings).

19   Disclosure of Amazon's proprietary S3 source code will reveal key information about the

20 operation of the service and would put Amazon at a competitive disadvantage with respect to

21 competitors and competing services. Amazon has designated information relating to its sensitive

22 and proprietary source code for its S3 technology as "HIGHLY CONFIDENTIAL – SOURCE

23 CODE" under the protective order in this case, and under the protective order entered in a prior

24 action, *PersonalWeb Techs., LLC v. Amazon.com Inc.*, No. 6:11-cv-00658 (E.D. Tex. Filed Dec. 8,

25 2011), Dkt. No. 89.

26   For these reasons, Amazon respectfully requests that the Court grant this motion for leave to

27 file under seal Exhibit 9 to the Shamilov Declaration.

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Respectfully submitted,

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Dated: November 28, 2018

FENWICK & WEST LLP

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By: */s/ Ravi R. Ranganath*

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