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United States District Court
Northern District of California

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE: PERSONALWEB
TECHNOLOGIES, LLC ET AL PATENT
LITIGATION

Case No. [18-md-02834-BLF](#)

**ORDER GRANTING AMAZON AND
TWITCH’S ADMINISTRATIVE
MOTION TO SEAL**

[RE: ECF 520]

AMAZON.COM, INC., et al.,

Case No. [18-cv-00767-BLF](#)

Plaintiffs,

[RE: ECF 142]

v.

PERSONAL WEB TECHNOLOGIES,
LLC, et al.,

Defendants.

PERSONALWEB TECHNOLOGIES, LLC,
et al.,

Case No. [18-cv-05619-BLF](#)

Plaintiffs,

[RE: ECF 52]

v.

TWITCH INTERACTIVE, INC.,

Defendant.

Before the Court is the administrative motion of Amazon.com, Inc., and Amazon Web Services, Inc. (collectively, “Amazon”), and Twitch Interactive, Inc. (“Twitch”) to file under seal Exhibit 1 (ECF 520-3) to the Declaration of Todd R. Gregorian (ECF 521-1) in Support of Amazon and Twitch’s Opposition (ECF 521) to Plaintiff’s Motion to Clarify or Supplement Claim

1 Construction Order (ECF 507). ECF 520. Exhibit 1 is the technical expert report of PersonalWeb
2 Technologies, LLC's ("PersonalWeb") expert, Erik de la Iglesia, on infringement.

3 I. LEGAL STANDARD

4 "Historically, courts have recognized a 'general right to inspect and copy public records and
5 documents, including judicial records and documents.'" *Kamakana v. City & Cty. Of Honolulu*,
6 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc 'ns, Inc.*, 435 U.S. 589, 597
7 & n. 7 (1978)). Accordingly, when considering a sealing request, "a 'strong presumption in favor
8 of access' is the starting point." *Id.* (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,
9 1135 (9th Cir. 2003)). Parties seeking to seal judicial records relating to motions that are "more
10 than tangentially related to the underlying cause of action" bear the burden of overcoming the
11 presumption with "compelling reasons" that outweigh the general history of access and the public
12 policies favoring disclosure. *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir.
13 2016); *Kamakana*, 447 F.3d at 1178–79.

14 Parties moving to seal documents must also comply with the procedures established by Civ.
15 L.R. 79-5. Pursuant to Civ. L.R. 79-5(b), a sealing order is appropriate only upon a request that
16 establishes the document is "sealable," or "privileged or protectable as a trade secret or otherwise
17 entitled to protection under the law." "The request must be narrowly tailored to seek sealing only
18 of sealable material, and must conform with Civil L.R. 79-5(d)." Civ. L.R. 79-5(b). In part, Civ.
19 L.R. 79-5(d) requires the submitting party to attach a "proposed order that is narrowly tailored to
20 seal only the sealable material" which "lists in table format each document or portion thereof that is
21 sought to be sealed," Civ. L.R. 79-5(d)(1)(b), and an "unredacted version of the document" that
22 indicates "by highlighting or other clear method, the portions of the document that have been
23 omitted from the redacted version." Civ. L.R. 79-5(d)(1)(d). "Within 4 days of the filing of the
24 Administrative Motion to File Under Seal, the Designating Party must file a declaration as required
25 by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable." Civ. L.R.
26 79-5(e)(1).

27 II. DISCUSSION

28 The Court has reviewed Amazon and Twitter's sealing motion and the declaration of the

1 designating party submitted in support thereof. The Court finds that Amazon and Twitch articulated
 2 compelling reasons to seal the requested document in its entirety. The Court's rulings on the sealing
 3 request is set forth in the table below.

| <u>ECF No.</u> | <u>Document to be Sealed</u> | <u>Result</u> | <u>Reasoning</u> |
|----------------|---|------------------------------------|---|
| 520-3 | Technical expert report of PersonalWeb's expert, Erik de la Iglesia, on infringement dated August 23, 2019. | GRANTED as to the entire document. | <p>PersonalWeb has designated the report as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the Stipulated Protective Order entered by the Court. Gregorian Decl. ¶ 2, ECF 520-1.</p> <p>The Requested Sealed Material comprises, among other things, highly sensitive information about the technical design and operation of the Twitch website, including without limitation the characterization by PersonalWeb's expert of Twitch's confidential and proprietary source code and excerpts of a deposition of a Twitch technical witness. Both this highly confidential source code and the deposition transcript have been designated under the Stipulated Protective Order, and consist of sensitive information that Twitch maintains as confidential and does not reveal to the general public. Gregorian Decl. ¶ 3.</p> |

III. CONCLUSION

For the foregoing reasons, the Court hereby GRANTS Amazon and Twitch's administrative motion to seal at ECF 520. No further action is necessary.

IT IS SO ORDERED.

Dated: October 1, 2019



BETH LABSON FREEMAN
 United States District Judge