

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

In re ChromaCode Litigation

In re ChromaCode Litigation · No. 23-cv-04823-EKL (VKD) · Decided October 9, 2025

SUMMARY

The United States District Court for the Northern District of California granted ChromaCode’s motions to seal materials submitted in connection with its motion to amend infringement contentions, applying the good-cause standard for discovery matters. The Court required public versions of specified exhibits with redactions and set October 23, 2025, as the filing deadline.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Virginia K. DeMarchi
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 9, 2025
DOCKET	23-cv-04823-EKL (VKD)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed administrative motions to seal materials submitted in connection with their motion for leave to amend infringement contentions. The court considered the motions under the good-cause standard applicable to sealing requests concerning discovery matters.
STANDARD OF REVIEW	Good cause is required to seal materials relating to discovery matters.
PRECEDENTIAL VALUE	unknown
PARTIES	California Institute of Technology, ChromaCode, Inc. v. Bio-Rad Laboratories, Inc.

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- intellectual property
- commercial litigation

QUESTIONS PRESENTED

1. Whether good cause supported sealing the identified materials submitted in connection with a discovery-related motion.
2. Which exhibits or portions of exhibits should remain sealed and which should be filed publicly with redactions.

HOLDINGS

1. Good cause supported sealing the requested materials, except Exhibits 1 and 6, which did not require sealing. ChromaCode was required to file public versions of Exhibits 1 and 6.
2. Good cause supported sealing the portions of Exhibit 3 containing confidential business information concerning custom assays. ChromaCode was required to file a revised public version with the redactions identified by Bio-Rad.

FACTUAL BACKGROUND

Plaintiffs California Institute of Technology and ChromaCode, Inc. sought leave to amend infringement contentions and filed two administrative motions concerning the sealing of materials belonging to defendant Bio-Rad Laboratories, Inc. and non-party Verily Life Sciences, LLC. Bio-Rad and Verily identified certain exhibits or portions of exhibits that did not require sealing, while requesting protection for confidential business information, including information concerning custom assays not disclosed publicly or to competitors. The court found good cause to seal the specified material while requiring public versions of other exhibits.

PROCEDURAL HISTORY

ChromaCode filed two motions to seal material belonging to Bio-Rad and non-party Verily. Bio-Rad and Verily submitted statements identifying the materials they sought to keep sealed or indicating that certain exhibits did not require sealing. The court granted both motions in part and directed ChromaCode to file public versions with specified redactions.

DISPOSITION

other

CASES CITED

- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1097-98 (9th Cir. 2016)
- Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1179-80 (9th Cir. 2006)

OPINION

IN RE: CHROMACODE LITIGATION

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN JOSE DIVISION

7 8 IN RE CHROMACODE LITIGATION Case No. 23-cv-04823-EKL (VKD) 9

ORDER RE MOTIONS TO SEAL

10 Re: Dkt. Nos. 127, 137 11 12 13 14 Plaintiffs California Institute of Technology and
ChromaCode, Inc. (collectively, 15 “ChromaCode”) filed two administrative motions to consider
whether another party’s material 16 should be sealed in connection with their motion for leave to
amend infringement contentions. 17 Dkt. Nos. 127, 137. Defendant Bio-Rad Laboratories, Inc.
 (“Bio-Rad”) and non-party Verily Life 18 Sciences, LLC (“Verily”) filed statements regarding
their requests to seal. Dkt. Nos. 131, 140. As 19 the sealing motions relate to a discovery matter,
the good cause standard applies. *Ctr. for Auto 20 Safety v. Chrysler Grp., LLC*, 809 F.3d 1092,
1097-98 (9th Cir. 2016); *Kamakana v. City & Cnty. 21 of Honolulu*, 447 F.3d 1172, 1179-80 (9th
Cir. 2006). 22 ChromaCode’s first motion to seal relates to Bio-Rad’s and Verily’s materials. Dkt.
No. 23 127. Bio-Rad and Verily state that Exhibits 1 and 6 do not require sealing. Dkt. No. 131 at
3. 24 Additionally, Verily states that Exhibits 2 and 7 need not be sealed in their entirety, and
requests 25 to seal portions of those exhibits to protect confidential business information. See *id.*
at 2, 4-5. 26 Good cause appearing, the Court grants ChromaCode’s first motion to seal, except as
to Exhibits 1 27 and 6. Accordingly, ChromaCode must file public versions of Exhibits 1 and 6,
and public 1 The Court also grants ChromaCode’s second motion to seal another party’s material
(Dkt. 2 || No. 137). Bio-Rad requests to seal portions of Exhibit 3 that contain confidential
business 3 information as “their disclosure would create a substantial risk of serious harm.” Dkt.
No. 140 at 4 3-4, Bio-Rad explains that the information it seeks to seal relates to the identification
of custom 5 assays that have not been disclosed to the public or to Bio-Rad’s competitors. *Id.* at 4.
The Court 6 || finds good cause to keep the requested material sealed. ChromaCode must file a
revised public 7 version of Exhibit 3 with the redactions identified by Bio-Rad. See *id.* at 2. 8
ChromaCode shall file public versions of the documents at issue, with appropriate 9 redactions, in
accordance with the determinations above, by October 23, 2025. 10 IT IS SO ORDERED. 11
Dated: October 9, 2025 14 Virginia K. DeMarchi United States Magistrate Judge 16 18 19 20 21
22 23 24 25 26 27 28