

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Lexos Media IP, LLC v. Overstock.com, Inc.

Lexos Media IP · No. 22-2324-JAR · Decided March 10, 2026

SUMMARY

The United States District Court for the District of Kansas addresses the parties’ joint motions to seal documents associated with summary-judgment and Daubert filings in an intellectual-property dispute. The court grants the motion in part, denies it in part as to several documents, finds it moot as to others, and directs the Clerk to remove provisional seal designations from specified filings.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Julie A. Robinson
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 10, 2026
DOCKET	22-2324-JAR
DISPOSITION	other
PROCEDURAL POSTURE	The court considered the parties' joint motions to seal documents associated with summary-judgment and Daubert filings.
STANDARD OF REVIEW	The court applied the common-law presumption of public access to judicial records and weighed that presumption against asserted confidentiality interests, with the burden on the party seeking to restrict access.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; persuasive value only

TOPICS

- civil procedure
- summary judgment
- patent law
- commercial litigation

PRACTICE AREAS

- civil procedure
- motions to seal
- patent litigation

QUESTIONS PRESENTED

1. Whether the parties could use the updated joint motion to supersede or retroactively amend prior notices of proposed sealed record.
2. Whether the requests to seal or redact were timely under District of Kansas Local Rule 5.4.2.
3. Whether the requested documents should remain sealed or provisionally sealed under the common-law right of access to judicial records.
4. Whether portions of the motion were moot because the court had already sealed certain documents or because the related Daubert motion was moot.

HOLDINGS

1. A later motion to seal cannot retroactively amend or supersede prior notices of proposed sealed record, and parties must challenge prior rulings through the applicable reconsideration or objection procedures.
2. A motion to seal or redact must be filed within seven days after the document is filed provisionally under seal; requests filed later are untimely absent an adequate justification for considering them.
3. Documents may be sealed when the party seeking sealing demonstrates a significant interest that outweighs the public's common-law right of access, with heightened scrutiny when the documents are used to determine substantive legal rights.
4. The updated joint motion to seal was granted in part, denied in part, and moot in part; the earlier joint motion was moot.

KEY QUOTATIONS

“The party seeking to overcome the presumption bears the burden of showing some significant interest that outweighs the presumption.” (Standard for Motions to Seal)

“IT IS THEREFORE ORDERED BY THE COURT that the parties’ Joint Motion to Seal Documents (Doc. 206) is granted in part, denied in part, and moot in part.” (Order)

FACTUAL BACKGROUND

The parties sought to seal or redact documents connected with Overstock's motion for summary judgment and its Daubert motion concerning Lexos's damages expert, Justin Blok. The requests included expert reports, deposition excerpts, briefs, emails, and multiple settlement agreements involving Lexos and nonparties. Several documents had already been addressed by prior orders, and some sealing requests were filed outside the seven-day deadline in Local Rule 5.4.2.

PROCEDURAL HISTORY

The parties filed joint motions seeking to seal or redact briefs, expert materials, deposition excerpts, settlement agreements, and related exhibits. The court considered prior sealing rulings, the timeliness requirements of District of Kansas Local Rule 5.4.2, and the fact that the Daubert motion had become moot after the court's summary-judgment ruling. The court granted the updated motion in part, denied it in part, and found portions moot; it also found the earlier motion moot.

DISPOSITION

other

CASES CITED

- Helm v. Kansas, 656 F.3d 1277, 1292 (10th Cir. 2011)
- Mann v. Boatright, 477 F.3d 1140, 1149 (10th Cir. 2007)
- Crystal Grower's Corp. v. Dobbins, 616 F.2d 458, 461 (10th Cir. 1980)
- United States v. Hickey, 767 F.2d 705, 708 (10th Cir. 1985)
- Rushford v. New Yorker Mag., Inc., 846 F.2d 249, 253 (4th Cir. 1988)
- Colony Ins. v. Burke, 698 F.3d 1222, 1242 (10th Cir. 2012)
- Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 121 (2d Cir. 2006)

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