

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

The Upper Deck Company v. Pixels.com, LLC

Upper Deck · No. 24-cv-00923-BAS-DEB · Decided December 16, 2025

SUMMARY

The United States District Court for the Southern District of California denies without prejudice The Upper Deck Company’s renewed motion to seal exhibits associated with pretrial disclosures. Applying the good-cause standard for documents tangentially related to the merits, the Court finds that Upper Deck failed to show specific harm from disclosure or provide supporting declarations. The Court permits a renewed motion containing specified information and supporting declarations, or otherwise requires public filing of the documents.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 16, 2025
DOCKET	24-cv-00923-BAS-DEB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to seal exhibits and related documents filed in connection with the defendant's pretrial disclosures. The district court denied the motion without prejudice.
STANDARD OF REVIEW	A party seeking to seal documents related to a non-dispositive motion must satisfy the good-cause standard; documents more than tangentially related to the merits require compelling reasons. The moving party must show specific prejudice or harm for each document or category of documents.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	The Upper Deck Company v. Pixels.com, LLC

TOPICS

- civil procedure
- motions to dismiss
- trademark law
- trademark infringement
- commercial litigation

PRACTICE AREAS

civil procedure

trademark law

commercial litigation

intellectual property

QUESTIONS PRESENTED

1. Whether the exhibits attached to Pixels's non-dispositive pretrial disclosures were subject to the good-cause rather than compelling-reasons standard for sealing.
2. Whether Upper Deck demonstrated good cause to seal or redact the proposed exhibits.
3. Whether Upper Deck complied with the court's procedural requirements for motions to seal.

HOLDINGS

1. Because the proposed exhibits were attached to non-dispositive pretrial disclosures and were only tangentially related to the merits, the court applied the good-cause standard rather than the more demanding compelling-reasons standard.
2. A party seeking to seal documents under the good-cause standard must show specific prejudice or harm that would result from disclosure for each document or category of documents.
3. Upper Deck failed to establish good cause for sealing the proposed exhibits and failed to satisfy the court's sealing requirements; the motion to seal was denied without prejudice.

KEY QUOTATIONS

““Unless a particular court record is one ‘traditionally kept secret,’ a ‘strong presumption in favor of access’ is the starting point.”” (at 2)

““A party asserting good cause bears the burden, for each particular document it seeks to protect, of showing that specific prejudice or harm will result if no court order is granted.”” (at 8)

““Upper Deck has failed to demonstrate good cause for its proposed sealings.”” (at 9)

FACTUAL BACKGROUND

Upper Deck alleged that Pixels advertised and sold products appropriating Michael Jordan's likeness without permission and misappropriated Upper Deck trademarks. Upper Deck sought to seal additional exhibits, principally email exchanges that Pixels had included in its pretrial disclosures, based on alleged confidential business information and third-party privacy rights. Upper Deck did not identify specific harm from disclosure, provide supporting declarations, or allege that disclosure would impair its or a third party's competitive standing.

PROCEDURAL HISTORY

Upper Deck initiated the action on May 28, 2024, and filed an operative complaint on October 1, 2024, asserting trademark, false advertising, right-of-publicity, and unfair-competition claims. The parties filed several motions to seal, and the court previously directed them to consolidate their requests. Upper Deck filed the present renewed motion to seal, Pixels responded, and the court denied the motion without prejudice for failure to show good cause and comply with the court's sealing requirements.

DISPOSITION

other

CASES CITED

- Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 597, 598
- Kamakana v. City & Cnty. of Honolulu, 447 F.3d 1172, 1178–80, 1183
- Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1130–31, 1135
- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096–98, 1101
- United States v. Amodeo, 71 F.3d 1044, 1048
- Murphy v. Kavco Am. Corp., No. 11-cv-00410-YGR, 2012 WL 1497489, at *2–3
- Phillips v. Gen. Motors, 307 F.3d 1206, 1212
- Beckman v. United States, 966 F.2d 470, 476
- Cohen v. Trump, No. 13-cv-2519-GPC-WVG, 2016 WL 3036302, at *5
- Skillz Platform Inc. v. AviaGames Inc., No. 21-CV-02436-BLF, 2023 WL 8430369, at *2
- Jones v. PGA Tour, Inc., No. 22-CV-04486-BLF, 2023 WL 3594058, at *3
- DSS Tech. Mgmt., Inc. v. Apple, Inc., No. 14-CV-05330-HSG, 2020 WL 210318, at *8, aff'd, 845 F. App'x 963
- Orthopaedic Hosp. v. Encore Med. L.P., No. 19-CV-970 JLS (AHG), 2022 WL 257104, at *3
- Kilbourne v. Coca-Cola Co., No. 14CV984-MMA BGS, 2015 WL 5117080, at *3
- In re Elec. Arts, Inc., 298 F. App'x 568, 569
- Lin v. Solta Med., Inc., No. 21-CV-05062-PJH, 2024 WL 2112893, at *3
- Fed. Trade Comm'n v. Qualcomm, Inc., No. 17-cv-00220-LHK, 2019 WL 95922, at *3