

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Driscoll's, Inc. v. California Berry Cultivars, LLC

Driscoll's · No. 2:19-cv-00493-TLN-CKD · Decided July 24, 2025

SUMMARY

This document is a joint stipulation and proposed order in Driscoll’s, Inc. v. California Berry Cultivars, LLC, a federal civil action in the Eastern District of California. The parties requested, and the court ordered, an August 1, 2025 deadline for filing requests to permanently seal confidential materials submitted with their July 25, 2025 opposition filings. The order was entered by Chief United States District Judge Troy L. Nunley on July 23, 2025.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                               |
| WRITING FOR THE COURT | Troy L. Nunley                                                                                                                                                                                                                                                    |
| DECIDED               | July 24, 2025                                                                                                                                                                                                                                                     |
| DOCKET                | 2:19-cv-00493-TLN-CKD                                                                                                                                                                                                                                             |
| DISPOSITION           | other                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | The parties jointly stipulated to a schedule for filing requests to permanently seal confidential information submitted under seal with their summary-judgment opposition filings. The court approved the stipulation and entered the requested scheduling order. |
| PRECEDENTIAL VALUE    | Unknown; scheduling order approving a joint stipulation                                                                                                                                                                                                           |

TOPICS

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

PRACTICE AREAS

- civil procedure
- commercial litigation
- patent law

QUESTIONS PRESENTED

- Whether the court should approve the parties' joint stipulation extending the deadline for permanent-sealing requests concerning confidential materials submitted with their summary-judgment opposition filings.

2. Whether materials submitted under seal with those opposition filings should remain unavailable to the public until the court rules on the sealing requests.

## HOLDINGS

1. The parties were permitted until August 1, 2025, to file requests, including evidentiary support, to permanently seal confidential information initially submitted under seal with their July 25, 2025, opposition filings.
2. Materials submitted under seal with the July 25, 2025, opposition filings were not to be placed in the public record until after the court ruled on the sealing requests filed August 1, 2025.

## KEY QUOTATIONS

*“The Parties shall have until August 1, 2025, to file requests (including any evidentiary support) to permanently seal confidential information submitted under seal in the first instance in connection with Parties’ July 25, 2025, opposition filings.” (Order ¶ 1)*

*“Material submitted under seal in connection with the Parties’ July 25, 2025, opposition filings shall not put in the public record until after the Court rules on the sealing requests to be filed on August 1, 2025.” (Order ¶ 2)*

## FACTUAL BACKGROUND

The parties were litigating invalidity counterclaims and were scheduled to file opposition briefs to summary-judgment motions by July 25, 2025. They anticipated that the briefs and supporting materials would include information designated confidential under a stipulated protective order. The parties sought until August 1, 2025, to file requests and evidentiary support for permanent sealing.

## PROCEDURAL HISTORY

The court had established deadlines for dispositive motions concerning invalidity counterclaims, and the parties filed summary-judgment motions on June 27, 2025. Anticipating that their opposition briefs would contain protected confidential material, the parties requested additional time to review the opposing submissions and file supported permanent-sealing requests. The court granted the request and ordered that the materials remain under seal pending resolution of those requests.

## DISPOSITION

other

## CASES CITED

- *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)

## INSTRUCTIONS FOR AN AI ASSISTANT

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