

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Apple Inc. v. AliveCor, Inc.

No. 22-cv-07608-HSG (N.D. Cal. Sept. 19, 2025) · No. 22-cv-07608-HSG · Decided September 18, 2025

SUMMARY

The United States District Court for the Northern District of California denied Apple Inc.’s motion concerning whether portions of Exhibit 6 should remain sealed in Apple’s opposition to AliveCor’s motion to stay proceedings pending inter partes review. The court applied the good-cause standard for materials related to a nondispositive motion and found that AliveCor’s generalized assertions of commercial sensitivity and competitive harm did not establish a particularized basis for sealing product codes and product release dates. The denial was without prejudice, allowing AliveCor seven days to submit a supporting declaration or the parties to request withdrawal of the document.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
APPLE INC., Case No. 22-cv-07608-HSG 8 Plaintiff, ORDER DENYING MOTION TO
CONSIDER WHETHER ANOTHER 9 v. PARTY’S MATERIAL SHOULD BE SEALED 10
ALIVECOR, INC., Re: Dkt. No. 66 11 Defendant. 12 Before the Court is Plaintiff’s motion to
consider whether another party’s materials should 13 be sealed.

The Court DENIES the motion. 14 I. LEGAL STANDARD 15 Courts generally apply a
“compelling reasons” standard when considering motions to seal 16 documents. *Pintos v. Pac.*
Creditors Ass’n, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana 17 v. City & Cty. of*
Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006)). “This standard derives from the 18 common law
right ‘to inspect and copy public records and documents, including judicial records 19 and
documents.’” *Id.* (quoting *Kamakana*, 447 F.3d at 1178). “[A] strong presumption in favor of 20
access is the starting point.” *Kamakana*, 447 F.3d at 1178 (quotations omitted).

To overcome this 21 strong presumption, the moving party must “articulate compelling reasons
supported by specific 22 factual findings that outweigh the general history of access and the
public policies favoring 23 disclosure, such as the public interest in understanding the judicial
process.” *Id.* at 1178–79 24 (citations, internal quotation marks, and alterations omitted).

25 Records attached to motions that are only “tangentially related to the underlying cause of 26
action” must meet the lower “good cause” standard of Rule 26(c) of the Federal Rules of Civil 27
Procedure. See *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1099 (9th Cir. 2016); 1
prejudice or harm will result” if the information is disclosed. *Phillips ex rel.*

Estates of Byrd v. 2 Gen. Motors Corp., 307 F.3d 1206, 1210–11 (9th Cir. 2002); see also Fed. R. Civ. P. 26(c). 3 “Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning” will 4 not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992) (quotation 5 omitted). 6 When a party seeks to seal a document that has been designated as confidential by another 7 party or non-party, the party filing the sealing motion need not satisfy the showing described 8 above.

See Civ. L-R 79-5(f)(1). Instead, within seven days of the motion’s filing, the designating 9 party must file a statement or declaration justifying the reasons for keeping the document or 10 information under seal. *Id.* 79-5(f)(3). A failure to file a statement or declaration may result in the 11 unsealing of the provisionally sealed material without further notice to the designating party.

Id. 12 II. DISCUSSION 13 Plaintiff filed a motion to consider whether to seal Exhibit 6 of its Opposition to 14 Defendant’s Motion to Stay Pending Inter Partes Review—an exhibit which Defendant marked as 15 confidential. Dkt No. 66 at 2. Defendant timely filed a response. See Dkt. No. 68. Defendant 16 requests the Court seal a narrow portion of Exhibit 6: (1) a table describing Defendant’s internal 17 product codes; and (2) a table describing release dates for Defendant’s products.

Dkt. No. 68 at 2; 18 Dkt. No. 66-3 at 9–12. Defendant argues that these tables “[contain] AliveCor’s commercially 19 sensitive, generally unknown, and/or valuable trade secret information regarding the accused 20 products and AliveCor’s business operations and financials.” Dkt. No. 68 at 2. Defendant states 21 that disclosure “may place AliveCor at a commercial disadvantage in the future, adversely impact 22 its business relationships and plans, and cause it competitive harm.” *Id.* at 2–3.

23 Because Plaintiff seeks to seal documents related to a nondispositive motion to stay that is 24 only “tangentially related to the merits of the case,” the Court applies the “good cause” standard. 25 See *Ctr. for Auto Safety*, 809 F.3d at 1101; *E. W. Bank v. Shanker*, No. 20-CV-07364-WHO, 2021 26 WL 4916729, at *1 (N.D. Cal. Aug. 31, 2021) (applying the “good cause” standard to a motion to 27 stay).

1 articulated reasoning” are insufficient to constitute a particularized showing of prejudice or harm. 2 See *Beckman Indus.*, 966 F.2d at 476. Defendant’s generic declaration asserts in apparent 3 boilerplate language that the material to be sealed “include[es] without limitation business 4 strategies, customer relationship information, technical details, and trade secret information,” even 5 though few if any of those categories could even arguably actually apply.

See Dkt. No. 68 at 2. 6 Defendant does not explain why disclosure of the internal product codes or product release dates 7 would impact its business relationships or otherwise cause any competitive harms. Cf. *Positive 8 Techs., Inc. v. Sony Elecs., Inc.*, No. 11-CV-2226 SI KAW, 2013 WL

431343, at *2 (N.D. Cal. 9 Feb. 1, 2013) (noting that the mere fact that product information—including internal product 10 codes—was confidential did not satisfy the necessary showing of harm); Apple Inc. v. Samsung 11 Elecs.

Co., No. 11-CV-01846 LHK PSG, 2012 WL 4120541, at *2 (N.D. Cal. Sept. 18, 2012) 12 (sealing product codes, but only where the declaration included a sufficient particularized 13 showing). Moreover, Defendant does not explain why disclosure of product release dates years 14 ago—presumably a matter of public record—could be prejudicial.¹ Accordingly, the Court denies 15 Dkt.

No. 66. 16 // 17 // 18 // 19 // 20 21 // 22 // 23 // 24 // 25 // 26 27 1 Given the context of the interrogatory, it is possible that the “release dates” listed in the table are W1. CONCLUSION The Court DENIES Plaintiffs motion to determine whether another party’s material 2 should be sealed, Dkt. No. 66, WITHOUT PREDJUICE. But within seven (7) days of this order, 3 Defendant may file a declaration justifying the continued sealing of excerpts of Exhibit 4 6.

See Civil L.R. 79-5(f)(3). In the alternative, the parties may within seven days submit a joint request for withdrawal of the document. Civil L.R. 79-5(g)(2). If neither of these things happens, 6 the parties will be required to file a public version of the document. 7 IT IS SO ORDERED. 8 || Dated: 9/19/2025 |) 10 HAYWOOD S. GILLIAM, JR. United States District Judge 11 12 © 15 16 = 17 Z 18 19 20 21 22 23 24 25 26 27 28