

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLE INC.,
Plaintiff,
v.
NSO GROUP TECHNOLOGIES
LIMITED, et al.,
Defendants.

Case No. [3:21-cv-09078-JD](#)

ORDER RE MOTIONS TO SEAL

United States District Court
Northern District of California

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A hallmark of our federal judiciary is the “strong presumption in favor of access to court records.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003); *see In re Google Play Store Antitrust Litig.*, 556 F. Supp. 3d 1106, 1107 (N.D. Cal. 2021). Public access maintains confidence in the fair and impartial administration of justice, and protects the integrity and independence of the courts. This is why the business of the federal judiciary is done in open court.

In limited circumstances, there may be grounds for curtailing public access. This is an exception to the rule, and so a party requesting that a document or evidence be sealed from the public needs to present a good reason explaining why. A compelling reason supported by specific facts is needed before the Court will consider sealing records involving dispositive motions. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006); *DZ Rsrv. v. Facebook, Inc.*, No. 18-cv-04978-JD, 2021 WL 75734, at *1 (N.D. Cal. Jan. 8, 2021). Cursory assertions of confidentiality are not enough, and the “fact that the parties may have designated a document as confidential under a stipulated protective order is also not enough to justify sealing.” *In re Google Play Store*, 556 F. Supp. 3d at 1107.

NSO has made a number of sealing requests in connection with a motion to dismiss the complaint and Apple’s response to the motion. Dkt. Nos. 62, 64, 68, 70, 73, 76, 78. The requests

1 are based on NSO representations that the material to be sealed are subject to similar treatment by
2 courts in Israel. The Court has denied the motion to dismiss, Dkt. No. 87, and grants the sealing
3 requests based primarily on comity for the Israeli courts. This order is without prejudice to
4 whether the documents should be unsealed at a party or nonparty's request at a later date.

5 **IT IS SO ORDERED.**

6 Dated: January 23, 2024



JAMES DONATO
United States District Judge

United States District Court
Northern District of California

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