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7 ABDI NAZEMIAN, et al.,  
8 Plaintiffs,  
9 v.  
10 NVIDIA CORPORATION,  
11 Defendant.

Case No. 24-cv-01454-JST

**ORDER RE: MOTIONS TO SEAL**

Re: ECF No. 192, 200, 203, 207, 210, 211

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13 Before the Court are several motions to seal and oppositions to motions to seal. ECF Nos.  
14 192, 200, 203, 207, 210, 211. The Court will grant the motions to seal in part and deny them in  
15 part.

16 **I. LEGAL STANDARD**

17 A party seeking to seal a document filed with the court must (1) comply with Civil Local  
18 Rule 79-5; and (2) rebut the “a strong presumption in favor of access” that applies to all  
19 documents other than grand jury transcripts or pre-indictment warrant materials. *Kamakana v.*  
20 *City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation and internal quotations  
21 omitted).

22 With respect to the first prong, Local Rule 79-5 requires, as a threshold, a request that  
23 (1) “establishes that the document, or portions thereof, are privileged, protectable as a trade secret  
24 or otherwise entitled to protection under the law”; and (2) is “narrowly tailored to seek sealing  
25 only of sealable material.” Civil L.R. 79-5(b). An administrative motion to seal must also fulfill  
26 the requirements of Civil Local Rule 79-5(d). “Reference to a stipulation or protective order that  
27 allows a party to designate certain documents as confidential is not sufficient to establish that a  
28 document, or portions thereof, are sealable.” Civil L.R. 79-5(d)(1)(A).

1       With respect to the second prong, the showing required to overcome the strong  
2 presumption of access depends on the type of motion to which the document is attached. “[A]  
3 ‘compelling reasons’ standard applies to most judicial records. This standard derives from the  
4 common law right ‘to inspect and copy public records and documents, including judicial records  
5 and documents.’” *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting  
6 *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 n.7 (1978)). To overcome this strong  
7 presumption, the party seeking to seal a judicial record must “articulate compelling reasons  
8 supported by specific factual findings that outweigh the general history of access and the public  
9 policies favoring disclosure.” *Kamakana*, 447 F.3d at 1178–79 (internal citations omitted).

10       On the other hand, records attached to motions that are only “tangentially related to the  
11 merits of a case” are not subject to the strong presumption of access. *Ctr. for Auto Safety v.*  
12 *Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). Instead, a party need only make a  
13 showing under the good cause standard of Rule 26(c) to justify the sealing of the materials. *Id.* at  
14 1097. A court may, for good cause, keep documents confidential “to protect a party or person  
15 from annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c).

16       A district court must “articulate [the] . . . reasoning or findings underlying its decision to  
17 seal.” *Apple Inc. v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th Cir. 2011), *cert. denied*, 132 S. Ct.  
18 2374 (2012).

## 19       II.     DISCUSSION

### 20       A.     Motions at ECF Nos. 192 and 200

21       Plaintiffs filed an administrative motion to seal NVIDIA-designated materials. Plaintiffs  
22 wish to submit in connection with their motion to modify the scheduling order and for leave to file  
23 an amended complaint. ECF No. 192. NVIDIA filed a statement in support of Plaintiffs' motion  
24 to seal providing justifications for the sealing of the entirety of several documents and the  
25 redacting of other documents. ECF No. 195 at 2–3. Plaintiffs oppose the sealing or redaction of  
26 three documents NVIDIA seeks to seal: Exhibit A (Plaintiffs' proposed amended complaint);  
27 Exhibit B (a redline version of the proposed complaint); and Exhibit F (an email chain between  
28 NVIDIA and Anna’s Archive, a “pirate library,” concerning NVIDIA’s acquisition of files from

1 that electronic library). ECF No 200 (citing ECF Nos. 192-4, 192-5, 192-8). The portions of  
2 Plaintiff's proposed amended complaint NVIDIA seeks to seal consist largely of references to this  
3 pirating website and similar websites. ECF No. 192-4, 192-5.

4 Because the materials sought to be sealed are contained within a motion to amend the  
5 complaint, the Court applies the "compelling reasons" standard. *Skillz Platform Inc. v.*  
6 *AviaGames Inc.*, No. 21-CV-02436-BLF, 2023 WL 7678649, at \*1 (N.D. Cal. Nov. 13, 2023).  
7 NVIDIA argues that this standard is met because the references to Anna's Archive "relate[] to a  
8 potential collaboration with a third party for research that discloses NVIDIA's research priorities,  
9 research and development strategy, as well as specific technical details of NVIDIA's internal  
10 development process, the public disclosure of which would harm NVIDIA's competitive standing  
11 and create a risk of injury as competitors could use such information to gain a competitive  
12 advantage." ECF No. 195 at 5.

13 The Court is not persuaded. For one thing, reliance on "conclusory statements that  
14 publication of the information 'could pose significant commercial harm to [the party seeking to  
15 maintain information under seal]' . . . does not come close to establishing compelling reasons to  
16 conceal this material from the public." *Corvello v. Wells Fargo Bank N.A.*, No. 10-cv-05072-VC,  
17 2016 WL 11730952, at \*1 (N.D. Cal. Jan. 29, 2016). For another, "[i]t is clear that [NVIDIA's]  
18 sealing request is not designed to protect against the disclosure of sensitive business information  
19 that competitors could use to their advantage. Rather, it is designed to avoid negative publicity."  
20 *See Kadrey v. Meta Platforms, Inc.*, 23-cv-03417-VC, ECF No. 373 at 1 (N.D. Cal. Jan. 8, 2025).  
21 Anna's Archive declares on its website, "[w]e deliberately violate the copyright law in most  
22 countries. This allows us to do something that legal entities cannot do: making sure books are  
23 mirrored far and wide." "Introducing the Pirate Library Mirror: Preserving 7TB of books (that are  
24 not in Libgen)." Anna's Blog, <https://annas-archive.org/blog/blog-introducing.html> (last accessed  
25 Dec. 3, 2025) (permalink: <https://perma.cc/R4NK-33KR>). For similar reasons, the Court finds  
26 that NVIDIA has not shown compelling reasons to seal the references in the proposed amended  
27 complaint to its use of other pirate databases such as Books3, LibGen, Sci-Hub, and Z-Library,  
28 ECF No. 192-4 ¶¶ 41, 46, 62–65, 76; references to NVIDIA's datasets that contain these

1 databases, *id.* ¶¶40–41; and allegations that NVIDIA attempted to pirate copyrighted works, *id.*  
2 ¶¶44, 52. The requests to seal or redact Exhibits A, B, and F are denied.

3 The Court finds that NVIDIA has sufficiently demonstrated that Exhibits D, E, G, H, I, J,  
4 K, L, M, N, O, P, Q, and R relate to genuine product development and confidential business  
5 decision-making—the disclosure of which could foreseeably cause competitive harm to the  
6 company. *See e.g., Rodman v. Safeway Inc.*, No. 11-cv-03003-JST, 2014 WL 12787874, at \*2  
7 (N.D. Cal. Aug. 22, 2014) (sealing “internal, nonpublic information discussing [the defendant’s]  
8 pricing strategy, business decisionmaking, and financial records, which would expose [the  
9 defendant] to competitive harm if disclosed”). The Court partially grants the motion as it relates  
10 to those exhibits.

11 **B. Motion at ECF No. 203**

12 NVIDIA seeks to seal portions of Plaintiffs’ motion in opposition to NVIDIA’s statement  
13 in support of sealing, specifically its references to Anna’s Archive. ECF No. 203.<sup>1</sup> Plaintiffs  
14 oppose the motion. ECF No. 209.

15 For the reasons stated above, the Court finds neither good cause nor compelling reasons to  
16 seal these materials, because they are not confidential. The Court therefore denies the motion to  
17 seal at ECF No. 203.

18 **C. Motion at ECF No. 207**

19 NVIDIA seeks to seal a declaration attached to its opposition to the motion to amend the  
20 complaint. ECF No. 207. NVIDIA contends that the declaration contains confidential business  
21 information. *Id.* at 2. Having considered NVIDIA’s motion, the arguments in support thereof,

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23 <sup>1</sup> It also seeks to redact references to an article NVIDIA published on the training of large  
24 language models, as well as the publicly-available *Kadrey* order cited above. In connection with  
25 other motions, NVIDIA seeks to seal citations to publicly filed orders from recent cases. For  
26 example, NVIDIA seeks to seal the following: (1) “As *Bartz* recognized in describing *Pirate*  
27 *Library Mirror*: ‘[a]lthough what was downloaded and later duplicated from [Pirate Library  
28 *Mirror*] was sometimes referred to as data or datasets, at bottom they contained full-text []books or  
scans’” (citing *Bartz v. Anthropic*, 787 F. Supp. 3d 1007, 1015 (N.D. Cal. 2025)); and (2)  
“Similarly, in *Kadrey*, in discussing the infringement at issue, the court stated, ‘Meta also  
downloaded Anna’s Archive, a compilation of shadow libraries including LibGen, Z-Library, and  
others.’” (citing *Kadrey v. Meta Platforms, Inc.*, 788 F. Supp. 3d 1026, 1041 (N.D. Cal. 2025)).  
ECF No. 211 at 8. As NVIDIA knows, the Court cannot redact or seal publicly available  
materials. Overdesignation of this magnitude impairs counsel’s credibility with the Court.

1 and the declaration support thereof, the Court grants the motion to seal at ECF No. 207.

2 **D. Motions at ECF Nos. 210 and 211**

3 Plaintiffs moved to seal materials NVIDIA designated as confidential that were included in  
4 Plaintiffs' reply brief in support of its motion for leave to amend. ECF Nos. 210, 211. As with  
5 other motions that are the subject of this order, NVIDIA seeks to seal references to pirating  
6 platforms that it allegedly used to develop its AI models. NVIDIA claims that these materials  
7 "contain confidential business information and public disclosure of the identified portions would  
8 create a substantial risk of harm to NVIDIA." ECF No. 215-1 ¶ 5. For the same reasons set forth  
9 above, the Court finds no basis for sealing and will deny these motions.

10 **CONCLUSION**

11 The Court denies in part the motion to seal at ECF No. 192. The Court will not consider  
12 the documents as to which the motion is denied unless the filing party files those documents in the  
13 public record without redaction within seven days from the date of this Order. For the foregoing  
14 reasons, the Court grants the motion to seal at ECF No. 207. The Court denies the motions to seal  
15 at ECF Nos. 203, 210, and 211. The documents that are the subject of those motions will not be  
16 considered by the Court unless the filing party files the documents on the public record within  
17 seven days from the date of this Order.

18 **IT IS SO ORDERED.**

19 Dated: December 4, 2025



20  
21 JON S. TIGAR  
22 United States District Judge  
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