

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

NOVO NORDISK INC. and NOVO
NORDISK A/S,

Plaintiffs,

v.

APOTEX INC.,

Defendant.

Civil No. 24-9729 (RMB/AMD)

ORDER

This matter comes before the Court by way of letter request [D.I. 93] filed by Plaintiffs, Novo Nordisk Inc. and Novo Nordisk A/S, on behalf of Plaintiffs and Defendant Apotex Inc., requesting that the parties be permitted to file an omnibus motion to seal their Markman submissions, as well as the District Judge's forthcoming ruling and the transcript of any claim construction hearing, thirty days after entry of the District Judge's Markman decision. For the reasons that follow, the parties' request is denied.

Local Civil Rule 5.3(c) provides that "[a]ny request by a party, parties or nonparty to file materials under seal, or otherwise restrict public access to, any materials or judicial proceedings shall ordinarily be made on notice, by a single, consolidated motion on behalf of all parties, unless otherwise

ordered by the Court on a case-by-case basis[.]” Local Rule 5.3(c) further provides, in relevant part, that “[a]ny motion made under this rule shall be (a) filed within 14 days following completion of the briefing on the underlying motion of materials sought to be sealed, . . . or within 14 days following ECF notice of availability of the transcript of a court proceeding sought to be sealed, or as may be ordered by the Court[.]” L. Civ. R. 5.3(c)(2)(ii). Under the Local Rule, a party seeking to seal documents or to otherwise restrict public access to judicial proceedings must demonstrate: “(a) the nature of the materials or proceedings at issue; (b) the legitimate private or public interest which warrants the relief sought; (c) the clearly defined and serious injury that would result if the relief sought is not granted; (d) why a less restrictive alternative to the relief sought is not available; (e) any prior order sealing the same materials in the pending action; and (f) the identity of any party or nonparty known to be objecting to the sealing request.” L. Civ. R. 5.3(c)(3).

Here, the parties completed their Markman briefing on December 5, 2025. Pursuant to Local Rule 5.3(c), a motion to seal was to be filed by December 19, 2025. On that date, Plaintiffs instead filed the instant request seeking to delay the filing of a motion to seal until the Markman proceedings are complete, including issuance of the District Judge’s opinion on claim

construction. Plaintiffs contend that “the filing of one omnibus motion to seal this material is the most efficient means of addressing the interrelated sealing issues, and will avoid duplicative sealing motion practice.” (Letter from Liza M. Walsh, Esq. [D.I. 93], Dec. 19, 2025.) The request is, in essence, a request for prospective temporary sealing of the claim construction hearing and the District Judge’s Markman decision. However, the Court finds that the factors the Court must consider for sealing under Local Rule 5.3(c)(3) - including the public interest and less restrictive alternatives for sealing - may differ depending on whether the parties seek to seal briefs, a court hearing, or the opinion of the District Judge. Moreover, there is “a presumption of public access to court proceedings and court records.” *Littlejohn v. Bic Corp.*, 851 F.2d 673, 678 (3d Cir. 1988). In light of this presumption of public access, the Court will not prospectively seal court proceedings and the District Judge’s forthcoming opinion solely for the sake of efficiency. Accordingly, the joint request to file an omnibus motion to seal is denied. The parties shall be granted an additional fourteen days to file a motion to seal their Markman submissions. Any request to seal the claim construction hearing shall be made five days in advance of the hearing, at which time the parties shall also advise the District Judge of their request to seal the subsequent Markman opinion. Any request to seal the transcript of

the claim construction hearing shall be made in accordance with Local Civil Rule 5.3(g).

CONSEQUENTLY, for the reasons set forth above and for good cause shown:

IT IS on this **13th** day of **January 2026**,

ORDERED that the letter request [D.I. 93] filed by Plaintiffs for permission to file an omnibus motion to seal shall be, and is hereby, **DENIED**; and it is further

ORDERED that the parties are granted an additional **fourteen (14) days** from the date of this Order to file a motion to seal their Markman submissions; and it is further

ORDERED that the Markman submissions [D.I. 82, 84, 88-90, and 92] shall remain under temporary seal pending further Order of the Court; and it is further

ORDERED that any request to seal the claim construction hearing shall be made five days in advance of the hearing, at which time the parties shall also advise the District Judge of their request to seal the subsequent Markman opinion; and it is further

ORDERED that any request to seal the transcript of the claim construction hearing shall be made in accordance with Local Civil Rule 5.3(g).

s/ Ann Marie Donio

ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Renée Marie Bumb, Chief Judge