

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MMCA GROUP, LTD.,  
Plaintiffs,  
v.  
HEWLETT-PACKARD COMPANY, et al.,  
Defendants.

No. C-06-7067 MMC

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL**

Before the Court is plaintiff's "Administrative Motion to File Documents under Seal," filed December 3, 2008, by which plaintiff seeks to file under seal certain documents submitted in support of its opposition to defendant Hewlett-Packard Company's ("HP") motion for partial summary judgment or, in the alternative, judgment on the pleadings. No opposition has been filed. Having read and considered the motion and the declarations of Frederick J. Geonetta and Erin A. Smart in support thereof, the Court rules as follows.

1. With respect to exhibits 1, 2, 5, 6, 7, 8, 9, 10, and 11 to the Declaration of Kenneth A. Frucht ("Frucht declaration"), the Declaration of Moragn A. Cherry ("Cherry declaration") and exhibits 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 thereto, the Declaration of Thomas Byrne ("Byrne declaration") and exhibits 1, 6, and 7 thereto, the Declaration of Aldo Alvarez, the Declaration of Pedro Martinez, the Declaration of Lau Geckler, and the unredacted version of plaintiff's memorandum in opposition to HP's

1 motion,<sup>1</sup> the motion is GRANTED.

2           2. Exhibits 3 and 4 to the Frucht declaration appear to have been designated  
3 “confidential” by HP, as plaintiff makes no showing as to their sealability Under the Local  
4 Rules of this District, where a party seeks to file under seal any material designated as  
5 confidential by another party, the submitting party must file a motion for a sealing order.  
6 See Civ. L.R. 79-5(d). “Within five days thereafter, the designating party must file with the  
7 Court and serve a declaration establishing that the designated information is sealable, and  
8 must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the  
9 designation of confidentiality.” Id.

10           Here, HP’s responsive declaration fails to establish “that the designated information  
11 is sealable.” See id. Accordingly, with respect to exhibits 3 and 4 to the Frucht declaration,  
12 the motion is DENIED.

13           3. With respect to exhibit 1 to the Cherry declaration and exhibits 2, 3, 4, and 5 to  
14 the Byrne declaration, the motion is DENIED, for the reason that plaintiff no longer seeks to  
15 file such documents under seal. (See Geonetta decl. ¶ 5.)

16           The Clerk shall file under seal all of the above-referenced documents found to be  
17 sealable. If plaintiff wishes the Court to consider any documents not found to be sealable,  
18 plaintiff shall file such documents in the public record no later than December 19, 2008.

19           **IT IS SO ORDERED.**

20 Dated: December 16, 2008

  
MAXINE M. CHESNEY  
United States District Judge

21  
22  
23  
24  
25  
26  
27 \_\_\_\_\_  
28 <sup>1</sup>On December 3, 2008, plaintiff filed a redacted version of its memorandum in the public record.