

United States District Court
For the Northern District of California

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

ROCKYOU, INC.,

No. C-08-4237 MMC

Plaintiff

v.

**ORDER DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENT UNDER SEAL**

BLAKE COMMAGERE, et al.,

Defendants.

Before the Court is plaintiff Rockyou, Inc.'s ("Rockyou") "Administrative Motion Pursuant to Civil L.R. 79-5(d) to Seal Confidential Documents Related to Rockyou's Motion for Preliminary Injunction," filed October 17, 2008, by which Rockyou seeks leave to file under seal Exhibit J to the Declaration of M. Leah Somoano in Support of Rockyou's Motion for Preliminary Injunction, in light of defendants having previously designated the matter disclosed therein as confidential.

Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by another party, the submitting party must file a motion for a sealing order. See Civil L.R. 79-5(d). "Within five days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality." Id. "If the designating party

1 does not file its responsive declaration as required by this subsection, the document or
2 proposed filing will be made part of the public record.” Id.

3 Here, the designating parties, defendants Blake Commagere and Commagere
4 Ventures, LLC, have not filed a responsive declaration within the time provided under Civil
5 Local Rule 79-5(d).

6 Accordingly, the administrative motion is hereby DENIED, and the Clerk is
7 DIRECTED to file in the public record Exhibit J to the Declaration of M. Leah Somoano in
8 Support of Rockyou’s Motion for Preliminary Injunction.

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IT IS SO ORDERED.

Dated: October 27, 2008


MAXINE M. CHESNEY
United States District Judge