

United States District Court
For the Northern District of California

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

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

FORTINET, INC.,

Plaintiff,

v.

TREND MICRO INCORPORATED,

Defendant

No. C-08-5371 MMC

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
ADMINISTRATIVE MOTION FOR LEVAE
TO FILE DOCUMENTS UNDER SEAL;
DIRECTIONS TO CLERK**

Before the Court is defendant's "Administrative Motion and Supporting Declaration of Derek Knerr for Leave to File Under Seal (1) Portions of Reply Brief in Support of Motion to Dismiss and (2) Exhibits 2 and 3 to Reply Declaration of Derek Knerr in Support of Motion to Dismiss," filed March 20, 2009. Having read and considered the motion, the Court rules as follows:

1. To the extent the motion seeks leave file under seal the unredacted versions of the Reply Brief and Exhibit 3, the motion is hereby GRANTED, and the Clerk of the Court is DIRECTED to file said documents under seal.

2. To the extent the motion seeks leave to file under seal the unredacted version of Exhibit 2, the motion is hereby DENIED, for the reason defendant has previously filed each page of said exhibit in the public record. (See Trend Micro Inc. v. Fortinet, Inc., No. C-04-1785 RMW, Documents No. 42-10 and 42-12.)

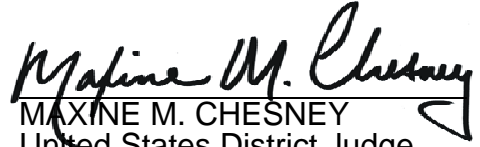
//

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

3. No later than March 31, 2009, defendant shall file Exhibit 2 in the public record, if it wishes Exhibit 2 to be part of the record herein.

IT IS SO ORDERED.

Dated: March 26, 2009


MAXINE M. CHESNEY
United States District Judge