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 10 TREND MICRO INCORPORATED

11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 FORTINET, INC., a Delaware corporation,
 15 Plaintiff & Counter-defendant,
 16 v.
 17 TREND MICRO INCORPORATED, a
 18 California corporation,
 19 Defendant & Counterclaimant.

Civil Case No.: CV 08-05371 MMC

**[PROPOSED] ORDER GRANTING
 TREND MICRO
 INCORPORATED'S
 ADMINISTRATIVE MOTION TO
 FILE UNDER SEAL (1) PORTIONS
 OF REPLY BRIEF IN SUPPORT
 OF RENEWED MOTION TO
 DISMISS AND (2) PORTIONS OF
 STEPHEN QUANE
 DECLARATION IN SUPPORT OF
 RENEWED MOTION TO DISMISS**

*[Submitted in Connection with Trend
 Micro's Reply in Support of Renewed
 Motion to Dismiss the First Amended
 Complaint]*

DATE: June 26, 2009
 TIME: 9:00 am
 COURTROOM: 7, 19th Floor
 JUDGE: Hon. Maxine M. Chesney

1 Upon consideration of Defendant and Counterclaimant Trend Micro Incorporated's
2 ("Trend Micro") Administrative Motion for Leave to File Under Seal (1) portions of the Reply
3 Brief in support of Trend Micro's Renewed Motion to Dismiss the First Amended Complaint
4 ("Reply Brief") and (2) portions of the Declaration of Stephen Quane in support of Trend
5 Micro's Renewed Motion to Dismiss the First Amended Complaint ("Quane Declaration") and
6 for good cause appearing, as described in the accompanying Declaration of Andrew C. Byrnes;

7 IT IS HEREBY ORDERED that Trend Micro's Administrative Motion IS GRANTED.

8 Accordingly, (1) the following portions of the Reply Brief, and (2) the following
9 portions of the Quane Declaration, shall be filed under seal:

10 **Reply Brief:**

- 11 (a). 1:3 (seventh word on line);
12 (b). 1:7 (third word in heading);
13 (c). 1:15 (ninth word on line);
14 (d). 2:8 (seventh through tenth words on line);
15 (e). 3:10 (sixth word in heading);
16 (f). 3:12 (third word on line);
17 (g). 3:18 - 4:5 (from "Trend" through end of paragraph);
18 (h). 4:10-11 (from "the first" through end of sentence);
19 (i). 4:12-13 (from "in its" through "Agreement");
20 (j). 4:16 (last four words in heading);
21 (k). 4:18 (from "does" through end of sentence);
22 (l). 4:20 (from "of a" through "customer");
23 (m). 4:22 (from "as to" through "Inc.");
24 (n). 4:24-26 (from "that Trend" through end of sentence);
25 (o). 4:26-27 (from "Fortinet's" through "affiliates");
26 (p). 5:12-14 (from "many" through end of sentence);
27 (q). 5:19-20 (from "unlike" through end of sentence);
28 (r). 5:21 (last six words in heading);

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- (s). 5:23-6:3 (from “that Fortinet” through “(or acquirors)”);
- (t). 5:26-27 (entirety of footnote 2);
- (u). 6:4 (from “Need” to “Suit” in heading);
- (v). 6:5-11 (from “it omits” through “jurisdiction”);
- (w). 6:22-7:5 (from “Fortinet” through end of paragraph);
- (x). 7:21 (third word on line);
- (y). 7:26-27 (entirety of footnote 3).

Quane Declaration:

- (z). 1:9-11 (from “Trend Micro” to “future”).

The Clerk is DIRECTED to file under seal the unredacted versions of the Reply Brief and the Quane Declaration.

IT IS SO ORDERED.

DATED: June 18, 2009


The Hon. Maxine M. Chesney
United States District Judge
Northern District of California