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

INNOSPAN CORP.,

No. C 10-04422 WHA

Plaintiff,

v.

**ORDER PARTIALLY DENYING  
ADMINISTRATIVE MOTION TO  
FILE SUMMARY JUDGMENT  
MATERIALS UNDER SEAL**

INTUIT INC., MINT SOFTWARE INC.,  
SHASTA VENTURES GP, LLC, and  
DOES 1–20,

Defendants.

\_\_\_\_\_/

AND RELATED COUNTERCLAIMS.

\_\_\_\_\_/

Defendants Intuit Inc. and Mint Software Inc. move for leave to file under seal portions of the materials supporting their motion for summary judgment (Dkt. No. 238). A previous order partially granted the motion as to items designated as confidential by defendants (Dkt. No. 244). The remainder of the motion, which concerns materials designated as confidential by plaintiff Innospan Corp., is **DENIED**.

The order approving the stipulated protective order stated: “Designation of materials as ‘confidential’ must be narrowly tailored to include only material for which there is good cause. A pattern of over-designation may lead to an order un-designating all or most materials on a wholesale basis.” (Dkt. No. 36 at 1). Plaintiff Innospan designated as confidential portions of nine paragraphs of the Cole declaration and *46 entire exhibits*. The sealing motion will be denied


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as to these items. *First*, plaintiff failed to support its designation with a supporting declaration as required by Civil Local Rule 79-5(d). *Second*, the request is not narrowly drawn to include only sealable material.

Plaintiff had two opportunity to cure these defects. When plaintiff failed to file a declaration within the time allowed by the local rules, plaintiff was given a second chance to submit a more narrowly drawn request to seal portions of these items, along with a supporting declaration (Dkt. No. 244). The deadline was noon on November 10, 2011. No filing has been made. The sealing motion is therefore **DENIED** as to those items designated as confidential by plaintiff. Defendants may file those documents in the public record.

**IT IS SO ORDERED.**

Dated: November 14, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE