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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ILLUMINA INC.,)	
)	
Plaintiff(s),)	No. C10-80226 CRB (BZ)
)	
v.)	TEMPORARY SEALING ORDER
)	
AFFYMETRIX INC.,)	
)	
Defendant(s).)	
_____)	

On September 10, 2010 Illumina filed a motion under Civil Local Rule 79-5(d) to seal certain documents which Affymetrix had designated as confidential in litigation pending in Wisconsin. As Illumina made no showing that the documents were confidential, which is permitted by Local Rule 79-5, the burden then shifted on Affymetrix to provide the required showing. Affymetrix did not. The Court then denied Illumina's motion to seal. There followed a flurry of filings by attorneys for Affymetrix trying to seal the documents. Affymetrix seems to claim that notwithstanding that Illumina had moved pursuant to Local Rule 79-5, Affymetrix "did not realize" that it was required to comply with Local Rule 79-5.

1 This makes no sense to the Court. However, in as much as the
2 Court will be unavailable for the next two weeks, **IT IS**
3 **ORDERED** that pending further order of the Court, the documents
4 which Illumina sought to seal pursuant to docket no. 3, shall
5 remain sealed. The Court will schedule a further hearing in
6 an effort to determine how Affymetrix, a frequent litigant in
7 this Court, represented by the Wilson Sonsini firm, which
8 frequently appears in this Court, were unaware of the
9 requirements of Local Rule 79-5.

10 Dated: September 30, 2010

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13 Bernard Zimmerman
United States Magistrate Judge

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15 G:\BZALL\REFS\ILLUMINA V. AFFYMETRIX\ORDER RE EXPEDITED MOT. TO SEAL
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