UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ILLUMINA INC., Plaintiff(s), v. AFFYMETRIX INC., Defendant(s).	No. C10-80226 CRB (BZ) **ORDER DENYING REQUESTS TO SEAL DOCUMENTS**

Before the Court are the parties motions to seal documents. Both motions are **DENIED** for failure to make the showing as required by Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122 (9th Cir. 2003) and Contratto v. Ethicon, Inc., 227 F.R.D. 304, 307-08 (N.D. Cal. 2005). More specifically, the fact that information was produced pursuant to a protective order is not by itself a grounds for sealing a public document. Moreover, some of the efforts to seal information shows such a blatant disregard for the sealing process. For example, on page 5 of its opposition memorandum, Affymetrix attempts to seal a quote from a published case. If nothing else, this underscores that the parties have not

narrowly tailored their requests to "seek sealing of only sealable material" as required by Local Rule 79-5. While it is conceivable that there may be information in the public documents that can be properly sealed, because the parties have not made a good faith effort to narrowly tailor their request, or to justify the need for secrecy in a publicly filed document, the entire requests are **DENIED**.

Dated: October 28, 2010

Bernard Zimmerman
United States Magistrate Judge

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