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

KWAN SOFTWARE ENGINEERING, INC., a
California corporation d/b/a VERIPIC, INC.,

Plaintiff,

v.

FORAY TECHNOLOGIES, LLC, a Delaware
Limited Liability Company,

Defendant.

No. C 12-03762 SI

**ORDER DENYING WITHOUT
PREJUDICE MOTION TO FILE UNDER
SEAL**


On December 12, 2013, defendant filed a motion for summary judgment. Docket No. 93. On January 10, 2014, plaintiff filed its opposition to defendant's motion. Docket No. 117. By the present motion, plaintiff moves to file under seal portions of its opposition and several documents that were filed in support of its opposition. Docket No. 124. In the motion, plaintiff states that it moved to seal the documents because they were designated as confidential, but states that it takes no position at this time as to whether the information is entitled to be filed under seal. *Id.*

Under Civil Local Rule 79-5(e), where "the Submitting Party is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order . . . [,] [w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable." To date, no party has filed the required declaration. Accordingly, the Court DENIES plaintiff's motion to seal. This denial is without prejudice to a party filing the

1 declaration required by Civil Local Rule 79-5(d)(1)(A) within seven days from the date this order is
2 filed.¹

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4 **IT IS SO ORDERED.**

5 Dated: January 24, 2014

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8 SUSAN ILLSTON
9 United States District Judge

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¹ If after seven days, no party files the required declaration, then plaintiff must publicly file the documents at issue within seven days from that date pursuant to Civil Local Rule 79-5(f)(2).