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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION,)
)
Plaintiff,)
)
v.)
)
D-LINK CORPORATION)
)
and)
)
D-LINK SYSTEMS, INC.,)
corporations,)
)
Defendants.)

Case No. 3:17-cv-00039

**FEDERAL TRADE COMMISSION’S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF
PLAINTIFF’S COMPLAINT**

1 Plaintiff Federal Trade Commission (“FTC”) hereby moves the Court to issue an
2 administrative order that authorizes the filing under seal, pursuant to Civil Local Rules 7-11 and
3 79-5(d) and (e), of certain portions of Plaintiff’s Complaint.

4 The FTC’s complaint alleges facts in Paragraphs 10, 11, and 25 that the FTC obtained
5 during the course of its non-public investigation of D-Link Systems, Inc. (“DLS”). In providing
6 this information to the FTC, DLS designated this information as confidential pursuant to Section
7 21 of the FTC Act, 15 U.S.C. § 57b-2.

8 Local Rule 79-5 governs the filing of documents under seal in civil cases. Subsection (d)
9 of Local Rule 79-5 sets forth additional procedures that apply when a party seeks to file
10 “documents designated as confidential by the opposing party or a Non-Party pursuant to a
11 protective order” and provides as follows:

12 If the Submitting Party is seeking to file under seal a document
13 designated as confidential by the opposing party or a non-party
14 pursuant to a protective order, or a document containing
15 information so designated by an opposing party or a non-party, the
16 Submitting Party's declaration in support of the Administrative
17 Motion to File Under Seal must identify the document or portions
thereof which contain the designated confidential material and
identify the party that has designated the material as confidential
18 (“the Designating Party”).

19 Pursuant to subsection (e)(1) of Local Rule 79-5, the Designating Party then has four days to file
20 a declaration establishing that all of the designated material is “sealable” (as defined in Local
21 Rule 79-5(b)).

22 As “designating party,” DLS bears the burden of establishing that the information
23 identified in the specified paragraphs is “sealable.” The FTC takes no position as to whether this
24 information should remain under seal until such time as DLS provides its justifications for the
25 information to be maintained under seal. A declaration of FTC counsel and a proposed order
26 granting this motion will be filed concurrently with this motion.

27 For the reasons stated above, the FTC’s motion should be granted.

1 Respectfully Submitted

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3 Dated: January 5, 2017

/s/ Cathlin Tully

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