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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC., et al.,  
Plaintiffs,  
v.  
ONLINENIC INC, et al.,  
Defendants.

Case No. [19-cv-07071-SI](#)

**ORDER RE: PENDING MOTIONS TO SEAL**

The Court has before it multiple motions to seal, including supplemental motions and several errata, filed in conjunction with plaintiffs’ motion to strike defendant’s answer and for entry of default against defendant Xiamen 35.com Internet Technology Co., Ltd. (“35.CN”). *See* Dkt. Nos. 299, 300, 302, 319, 321, 325. The interested parties have weighed in on some, but not all, of the pending motions to seal. Moreover, some of the line numbering in the sealing motions does not correspond to the text sought to be sealed in the documents themselves.

The Court therefore orders as follows.

**Re: Plaintiffs’ Motion to Strike**

The Court is in receipt of the sealing motion (Dkt. No. 300) and supplemental motion (Dkt. No. 302) that plaintiffs filed in connection with their motion to strike. The Court is also in receipt of declarations re: the sealing motions, from 35.CN (Dkt. No. 310) and the OnlineNIC defendants (Dkt. No. 312), as well as from interested party Internet Corporation for Assigned Names and Numbers (“ICANN”) (Dkt. No. 309); as well as plaintiffs’ response (Dkt. No. 314).

Of note, the OnlineNIC defendants have no objection to certain material being unsealed, but they have been unable to address whether other material should be sealed because certain page and

1 line references in the sealing motion do not correspond to what is sealed in the underlying document.  
2 *See* Dkt. No. 312 at 3-5.

3 Accordingly, **no later than June 12, 2023**, plaintiffs shall file an amended proposed order  
4 for the sealing motion on the motion to strike, correcting the line numbering for the portions  
5 indicated in the Narancic declaration at Dkt. No. 312 at 3-5. Plaintiffs shall also include reference  
6 to “Motion at 8:13-14,” which it appears plaintiffs inadvertently omitted from the prior proposed  
7 order. **No later than June 20, 2023**, the OnlineNIC defendants shall file a supplemental statement  
8 and/or declaration stating their position on the portions of the sealing motion that they did not  
9 previously address, and the reasons (if any) why the material should be sealed.

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11 **Re: 35.CN’s Opposition Brief**

12 The Court is in receipt of the motion to seal documents in connection with 35.CN’s  
13 opposition brief (Dkt. Nos. 319, 321) as well as plaintiffs’ response (Dkt. No. 323). The OnlineNIC  
14 defendants and ICANN have not filed declarations with regard to the 35.CN sealing motion, despite  
15 the fact that 35.CN has filed material under seal because it was designated as confidential by either  
16 the OnlineNIC defendants or ICANN.

17 Accordingly, **no later than June 20, 2023**, the OnlineNIC defendants and ICANN shall file  
18 statements and/or declarations stating their positions on the sealing motion re: 35.CN’s opposition  
19 brief. If they do not do so, the Court may order the relevant material unsealed, in accordance with  
20 Civil Local Rule 79-5(f)(3).

21

22 **Re: Plaintiffs’ Reply Brief**

23 The Court is in receipt of the sealing motion in connection with plaintiffs’ reply brief (Dkt.  
24 No. 325), as well as corresponding declarations from 35.CN (Dkt. No. 328) and ICANN (Dkt. No.  
25 326). The OnlineNIC defendants have not filed a declaration with regard to the 35.CN sealing  
26 motion, although 35.CN has filed material under seal because it was designated as confidential by  
27 the OnlineNIC defendants. 35.CN notes that plaintiffs’ proposed order at Dkt. No. 325-1 lists page  
28 and line references in the sealing motion that do not always correspond to what is sealed in the

1 underlying document. *See* Dkt. No. 328 at 1 n.2.

2 Accordingly, **no later than June 12, 2023**, plaintiffs shall file an amended proposed order  
3 for the sealing motion on the reply brief, correcting the line numbering as needed, for material  
4 designated as confidential by either 35.CN or the OnlineNIC defendants. **No later than June 20,**  
5 **2023**, the OnlineNIC defendants shall file a statement and/or declaration stating their position on  
6 the sealing motion re: plaintiff's reply brief. If the OnlineNIC defendants do not do so, the Court  
7 may order the relevant material unsealed, in accordance with Civil Local Rule 79-5(f)(3).

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9 **IT IS SO ORDERED.**

10 Dated: June 6, 2023



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SUSAN ILLSTON  
United States District Judge

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