

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

3
4 BRILLIANT INSTRUMENTS, INC.,

5 Plaintiff,

6 v.

7 GUIDETECH, INC.,

8 Defendant.

No. C 09-5517 CW

ORDER REGARDING
MOTION OF
GUIDETECH LLC FOR
LEAVE TO FILE
UNDER SEAL THE
DECLARATION OF
SASSAN TABATABAEI
(Docket No. 176)

9 _____/
10 AND ALL RELATED COUNTERCLAIMS
11 _____/

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13 Pursuant to Local Rule 79-5, Defendant and Counter-Claimant
14 GuideTech LLC moves for authorization to file under seal the
15 Declaration of Sassan Tabatabaei, submitted in support of
16 GuideTech LLC's Opposition to Plaintiff and Counter-Defendant
17 Brilliant Instruments, Inc.'s Motion for Attorney Fees and Non-
18 Taxable Costs. Movant does not seek to file under seal Exhibit 1,
19 which is attached to the declaration. In support of its motion,
20 Movant offers a declaration that states that the document
21 "contains sensitive proprietary information of [Brilliant
22 Instruments, Inc.] regarding its accused products that are: (1)
23 proprietary and confidential; (2) has not been disclosed to the
24 public; (3) has been designated as 'Confidential' or 'Highly
25 Confidential-Attorney's Eyes Only' and (4) could, if disclosed to
26 the public, cause harm to the third parties." Chin Decl. ¶ 4.

27 Local Rule 79-5(d) provides that, when a party files an
28 administrative motion seeking to submit material under seal that

1 another party to the action has designated as confidential, the
2 designating party must file a declaration establishing that the
3 information is sealable within seven days after the motion was
4 filed. Civil L.R. 79-5(d). If the designating party does not
5 file its responsive declaration, the document or proposed filing
6 will be made part of the public record. Id.

7 Accordingly, within seven days of October 19, 2011, as the
8 party designating the material as confidential, Brilliant
9 Instruments, Inc. shall file a declaration in support of the
10 motion to seal. The declaration must state with particularity
11 good cause to file the document under seal in light of Local Rule
12 79-5 and applicable law.

13 If Brilliant Instruments, Inc. fails to file their responsive
14 declarations as required by Local Rule 79-5(d), the document or
15 proposed filing will be made part of the public record.

16 IT IS SO ORDERED.

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18 Dated: 10/21/2011

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CLAUDIA WILKEN
United States District Judge