

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 DENYING
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 _____/

12
13 On October 19, 2011, Defendant and Counter-Claimant GuideTech
14 LLC filed a motion seeking 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. In support of its motion, GuideTech LLC offered a
19 declaration that states that the document "contains sensitive
20 proprietary information of [Brilliant Instruments, Inc.] regarding
21 its accused products that are: (1) proprietary and confidential;
22 (2) has not been disclosed to the public; (3) has been designated
23 as 'Confidential' or 'Highly Confidential-Attorney's Eyes Only'
24 and (4) could, if disclosed to the public, cause harm to the third
25 parties." Chin Decl. ¶ 4.

26 On October 21, 2011, the Court issued an order stating that,
27 as the party designating the material as confidential, Brilliant
28 Instruments, Inc. was required to file a declaration in support of

1 the motion to seal within seven days of October 19, 2011, pursuant
2 to Local Rule 79-5(d) or the document would be made part of the
3 public record.

4 Brilliant Instruments, Inc. has not submitted a declaration
5 in support of GuideTech LLC's motion to seal. Accordingly,
6 GuideTech LLC's motion to seal is denied. Within four days,
7 GuideTech LLC may electronically file the Tabatabaei Declaration
8 in the public record or may withdraw it, in accordance with
9 General Order 62.

10 IT IS SO ORDERED.

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12 Dated: 11/2/2011

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CLAUDIA WILKEN
United States District Judge