

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

3
4 BRILLIANT INSTRUMENTS, INC.,

No. C 09-5517 CW

5 Plaintiff,

ORDER DENYING
PLAINTIFF'S MOTION
FOR LEAVE TO FILE
UNDER SEAL
EXHIBITS F, G AND
Q TO THE LATHRAM
DECLARATION
(Docket No. 189)

6 v.

7 GUIDETECH, INC.,

8 Defendant.

9 _____/
10 AND ALL RELATED COUNTERCLAIMS
11 _____/

12 On November 1, 2011, Plaintiff and Counter-Defendant
13 Brilliant Instruments, Inc. filed a motion pursuant to Local Rule
14 79-5 seeking authorization to file under seal Exhibits F, G and Q
15 to the Declaration of Thomas W. Lathram, submitted in support of
16 its Reply in Further Support of its Motion for Attorneys' Fees and
17 Non-Taxable Costs. In support of its motion to seal, Plaintiff
18 offered a declaration that states that the exhibits have been
19 designated as "Confidential" or "Highly Confidential-Attorney's
20 Eyes Only" by Defendant and Counter-Claimant GuideTech, LLC
21 pursuant to the protective order in this case. Lathram Decl. ¶ 3.

22 On November 14, 2011, the Court issued an order stating that,
23 as the party designating the material as confidential, GuideTech
24 LLC was required to file a declaration in support of the motion to
25 seal pursuant to Local Rule 79-5(d) within three days of that
26 date, or the document would be made part of the public record.
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GuideTech LLC has not submitted a declaration in support of Plaintiff's motion to seal. Accordingly, Plaintiff's motion to seal is denied (Docket No. 189). Within four days, Plaintiff may electronically file Exhibits F, G and Q in the public record or may withdraw them, in accordance with General Order 62.

IT IS SO ORDERED.

Dated: 2/22/2012


CLAUDIA WILKEN
United States District Judge