

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

CABELA'S INC., No. C 11-1398 CW  
Plaintiff,  
v.  
KELORA SYSTEMS, LLC,  
Defendant.

\_\_\_\_\_  
KELORA SYSTEMS, LLC, No. C 11-1548 CW  
Plaintiff,

v.  
TARGET CORPORATION; OFFICEMAX  
INCORPORATED; ROCKLER COMPANIES,  
INC.; 1-800-FLOWERS.COM, INC.;  
AMAZON.COM, INC.; DELL, INC.;  
OFFICE DEPOT, INC.; NEWEGG INC.;  
COSTCO WHOLESALE CORPORATION;  
HEWLETT-PACKARD COMPANY;  
CIRCUITCITY.COM INC; AUDIBLE,  
INC.; and ZAPPOS.COM, INC.,  
Defendants.

OFFICEMAX INCORPORATED,  
Third-Party Plaintiff,  
v.  
ADOBE SYSTEMS INCORPORATED,  
Third-Party Defendant.

\_\_\_\_\_

United States District Court  
For the Northern District of California

1 NEBRASKA FURNITURE MART, INC.,

No. C 11-2284 CW

2 Plaintiff,

ORDER REGARDING  
MOTION OF CABELA'S  
INC., NEBRASKA  
FURNITURE MART,  
INC. AND NEWEGG  
INC. TO FILE UNDER  
SEAL THE  
DECLARATION OF RAY  
R. LARSON

3 v.

4 KELORA SYSTEMS, LLC,

5 Defendant.

6 \_\_\_\_\_/

7 AND ALL RELATED COUNTERCLAIMS

8 \_\_\_\_\_/

9 On September 15, 2011, Plaintiffs and Counterclaim-Defendants  
10 Cabela's Inc. and Nebraska Furniture Mart, Inc. and Defendant and  
11 Counterclaim-Plaintiff Newegg Inc. filed a motion pursuant to  
12 Local Rule 79-5(d) for an order sealing the Declaration of Ray R.  
13 Larson submitted in connection with their Motion for Summary  
14 Judgment of Invalidity and Non-Infringement. Movants based their  
15 request on conclusory statements that the declaration contained or  
16 referred to materials that Movants have designated as  
17 "Confidential" or "Highly Confidential - Attorneys' Eyes Only"  
18 under the blanket Protective Order in effect in these cases and  
19 that a third-party, Endeca, considered information contained or  
20 referred to in the declaration to be proprietary and confidential.

21 On September 27, 2011, this Court issued an order stating  
22 that Movants had not provided sufficient information to establish  
23 that the document, or portions thereof, was privileged or  
24 protectable as a trade secret or otherwise entitled to protection  
25 under the law, as required under Local Rule 79-5(a), and granted  
26 Movants four additional days, or until October 3, 2011, to provide  
27 additional information to meet this requirement. The order

28

1 further warned that failure to provide additional information  
2 would result in the denial of the motion to the extent that the  
3 motion was based on the conclusory statement relying on a blanket  
4 protective order.

5 The Order further directed Movants to serve Endeca with  
6 copies of the order and the motion to seal within seven days, and  
7 directed Endeca, if Endeca sought to seal the information, to file  
8 a declaration in support of the motion providing good cause to  
9 seal within fourteen days, or by October 11, 2011, as required by  
10 Local Rule 79-5(d).

11 Movants have not provided additional information to conform  
12 with Local Rule 79-5(a). Further, although Movant Newegg Inc. has  
13 filed a certificate of service stating that Endeca was served on  
14 September 28, 2011, Endeca has not filed a declaration in support  
15 of the motion to seal.

16 Accordingly, the motion to seal is DENIED. Movants are  
17 directed to file the Declaration of Ray R. Larson in the public  
18 record within four days, if they wish it to be considered.

19 IT IS SO ORDERED.

20  
21 Dated: 10/17/2011

  
CLAUDIA WILKEN  
United States District Judge

22  
23  
24  
25  
26  
27  
28