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UNITED STATES DISTRICT COURT  
For the Northern District of California

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

CALLWAVE COMMUNICATIONS, LLC,

No. C 14-80112 JSW (LB)

Petitioner,

**ORDER REGARDING CALLWAVE'S  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE UNDER SEAL  
DATED DECEMBER 15, 2014**

v.

WAVEMARKET, INC. D/B/A LOCATION  
LABS,

[Re: ECF No. 42]

Respondent.

On December 15, 2014, Callwave filed an administrative motion for leave to file under seal three documents that Location Labs designated as “Highly Confidential - Attorneys’ Eyes Only” in accordance with the protective order entered in this action. *See* Administrative Motion, ECF No. 42. In this situation, Civil Local Rule 79-5 requires the designating party—in this case, Location Labs—to file a declaration establishing that the three documents are sealable. Specifically, Civil Local Rule 79-5(e) provides:

**(e) Documents Designated as Confidential or Subject to a Protective Order.** If the Submitting Party is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order, or a document containing information so designated by an opposing party or a non-party, the Submitting Party’s declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the designated confidential material and identify the party that has designated the material as confidential (“the Designating Party”). The declaration must be served on the Designating Party on the same day it is filed and a proof of such service must also be filed.

ORDER  
C 14-80112 JSW (LB)

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(1) Within 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.

(2) If the Designating Party does not file a responsive declaration as required by subsection 79-5(e)(1) and the Administrative Motion to File Under Seal is denied, the Submitting Party may file the document in the public record no earlier than 4 days, and no later than 10 days, after the motion is denied. A Judge may delay the public docketing of the document upon a showing of good cause.

So far, Location Labs has filed no such declaration. Locations Labs must do so by 12:00 PM noon on January 8, 2015 to avoid Callwave's administrative motion being denied for this reason.

**IT IS SO ORDERED.**

Dated: January 5, 2015



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LAUREL BEELER  
United States Magistrate Judge