

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CARDONET, INC.,  
Plaintiff,  
v.  
IBM CORPORATION,  
Defendant.

---

Case No.: C 06-6637 RMW (PVT)

**ORDER TO PLAINTIFF TO SHOW  
CAUSE RE DEFENDANT’S REQUEST  
TO FILE UNDER SEAL CERTAIN  
INFORMATION DESIGNATED  
CONFIDENTIAL BY PLAINTIFF**

On January 3, 2008, Defendant filed an Administrative Motion to File under Seal Portions of Defendant's Motion to Compel Further Responses To Interrogatories. As noted in Defendant’s motion to seal, it was incumbent upon Plaintiff as the designating party to file, within five days, a declaration establishing that the designated documents are sealable,<sup>1</sup> or else withdraw the designation of confidentiality. See CIVIL L.R. 79-5(d). As of the date of this order more than a month has elapsed and Plaintiff has filed neither a declaration establishing that the designated documents are sealable, nor any withdrawal of the designation of confidentiality. Therefore,

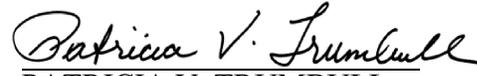
IT IS HEREBY ORDERED that, no later than February 19, 2008, Plaintiff shall file either a

---

<sup>1</sup> See FED. R. CIV. PRO. 26(c); see also *Beckman Indus., Inc. v. International Ins. Co.*, 966 F.2d 470, 476 (9<sup>th</sup> Cir. 1992) (“Broad allegations of harm, however, unsubstantiated by specific examples or articulated reasoning, do not satisfy the Rule 26(c) test.”)

1 withdrawal of the designation of confidentiality, or else a declaration showing cause why the  
2 information should not be made part of the public record. In addition to addressing Plaintiff's failure  
3 to timely comply with Civil Local Rule 79-5(d), the showing must address separately each portion of  
4 the materials that Plaintiff contends warrants protection. See CIVIL L.R. 79-5, and commentary  
5 thereto.

6 Dated: 2/8/08

7   
8 PATRICIA V. TRUMBULL  
9 United States Magistrate Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28