

1 **E-Filed 7/7/09**

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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **SAN JOSE DIVISION**

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13 IN RE EBAY SELLER ANTITRUST
14 LITIGATION

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Case No. C07-1882-JF (RS)

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
ADMINISTRATIVE MOTION TO
UNSEAL DOCUMENTS

[Docket No. 222]

19 On June 15, 2009, Ann Farmer, Michael Malone, and Todd Van Pelt (“Plaintiffs”) filed
20 an administrative motion to unseal certain documents previously filed under seal.¹ Plaintiffs
21 argue that the information in several of the exhibits submitted in support of their motion for class
22 certification is not confidential because the corresponding documents either are publicly
23 available or relate to events that took place several years ago. Plaintiffs thus assert that the
24 documents should be made a part of the public record. On June 22, 2009, Defendant eBay and
25 third party American Online (“AOL”) each filed separate opposition to the motion.

26 Plaintiffs seek to unseal exhibits 1-13, 15, 17-19, 21-24, 26-29, 32-33, 35, 37, 39, 41-51,

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¹ The parties entered into a protective order on March 26, 2008.

1 54-57, 59-60, 63-70, 73-87, 89-91, 93-95, 98-103, 105, 106, 108, 116, 121, and 123-126. eBay
2 concedes that exhibits 1-12, 26-27, 39, 67 and 105 do not contain confidential information.
3 Accordingly, the motion will be granted as to these documents. However, eBay and AOL
4 contend that the remaining exhibits should remain under seal because they reflect, contain, or are
5 derived from confidential commercial information of value, the disclosure of which could cause
6 an unreasonable risk of commercial or competitive harm.

7 With respect to these remaining exhibits, Plaintiffs offer only conclusory statements that
8 the documents now reside in the public domain or relate to activities that took place more than a
9 decade ago. Pursuant to Civil Local Rule 7-11, “[a] motion for an order concerning a
10 miscellaneous administrative matter . . . must set forth specifically the action requested and the
11 reasons supporting the motion . . .” Accordingly, the remaining exhibits will remain sealed.

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13 IT IS SO ORDERED.

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15 DATED: July 7, 2009

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19 JEREMY FOGEL
20 United States District Judge
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