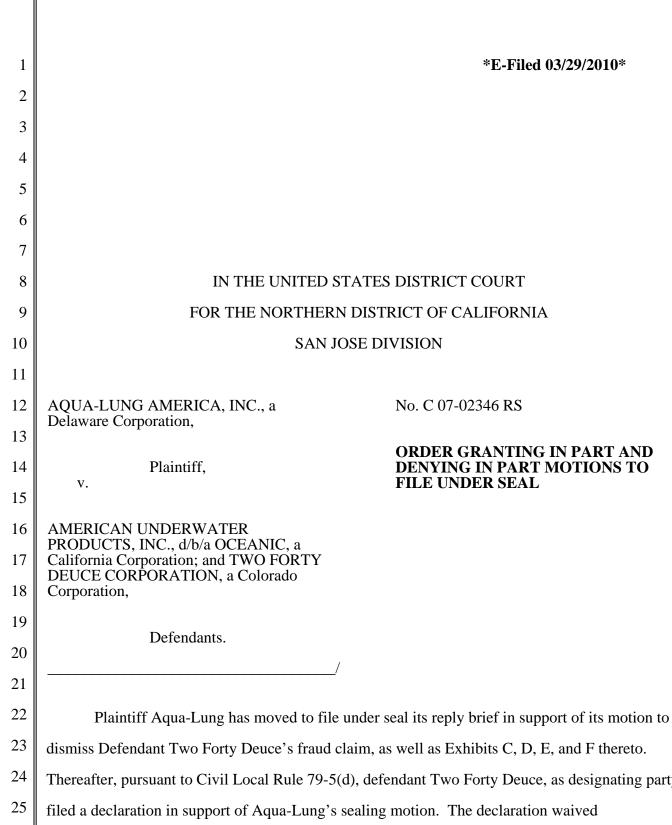
26

27

28



Thereafter, pursuant to Civil Local Rule 79-5(d), defendant Two Forty Deuce, as designating party, confidentiality as to Exhibit C, but requested that the remainder of the sealing motion be granted. Therefore, good cause appearing, Aqua-Lung's sealing motion will be granted in part and denied in part as follows: 1) as to the reply brief in support of Aqua-Lung's motion to dismiss Two Forty

> No. C 07-02346 RS **ORDER**

Deuce's fraud claim, the motion to seal is GRANTED; 2) as to Exhibit C thereto, the motion is DENIED; 3) as to Exhibits D, E, and F thereto, the motion is GRANTED.

Aqua-Lung has also moved to file under seal its reply brief in support of its motion for summary judgment on Two Forty Deuce's trade secret misappropriation claim, as well as Exhibits A, C, D, F, G, H, and I thereto. Thereafter, pursuant to Civil Local Rule 79-5(d), Two Forty Deuce, as designating party, filed a declaration in support of Aqua-Lung's sealing motion. The declaration waived confidentiality as to Exhibits C, F, G, and I. It requests the sealing order be granted as to the reply itself and Exhibits A and D. As to Exhibit H, neither the Court nor Two Forty Deuce has received a copy. Therefore, good cause appearing, Aqua-Lung's sealing motion will be granted in part and denied in part as follows: 1) as to the reply brief in support of Aqua-Lung's motion for summary judgment on the trade secret misappropriation claim, the motion to seal is GRANTED; 2) as to Exhibits A and D thereto, the motion to seal is GRANTED; and 3) as to Exhibits C, F, G, H, and I, the motion to seal is DENIED.

In accordance with Civil Local Rule 79-5(e), the Clerk's office in the **San Francisco Division** is directed to hold the lodged documents that are the subject of this sealing order until March 31, 2010, for Aqua-Lung, the submitting party, to retrieve them. Thereafter, if they are not retrieved, the Clerk should dispose of them. Aqua-Lung should then re-submit two reply briefs and their accompanying exhibits in accordance with Civil Local Rule 79-5(c)(3)-(5). Note that the lodged copies discussed in Rule 79-5(c)(3) & (4) should be filed with the Clerk's office in the **San Jose Division**.

23 IT IS SO ORDERED.

25 Dated: 03/29/2010

RICHARD SEEBORG UNITED STATES DISTRICT JUDGE

> No. C 07-02346 RS Order