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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

MULTIVEN, INC., a Delaware corporation,
Plaintiff,
v.
CISCO SYSTEMS, INC., a California corporation,
Defendant.

CISCO SYSTEMS, INC., a California corporation, and CISCO TECHNOLOGY, INC., a California corporation,
Counterclaimants,
v.
MULTIVEN, INC., a Delaware corporation, PINGSTA, INC., a Delaware corporation, and PETER ALFRED-ADEKEYE, an individual,
Counterdefendants.

Case No. 5:08-cv-05391-JW (HRL)

STIPULATION AND [PROPOSED] ORDER REGARDING DOCUMENTS PROVISIONALLY FILED UNDER SEAL

1 WHEREAS, Plaintiff Multiven, Inc. and Counterdefendants Multiven, Inc., Pingsta, Inc., and
2 Peter Alfred-Adekeye (Collectively, “Plaintiff and Counterdefendants”) designated certain portions
3 of the Peter Alfred-Adekeye and Deka Yussuf deposition transcripts and all of the Basil Gray
4 deposition transcript “Confidential – Attorneys’ Eyes Only” pursuant to paragraph 5.2(b) of the
5 Stipulated Protective Order (“Protective Order”) (Docket Entry (“DE”) 46);

6 WHEREAS, on June 28, 2010, Defendant and Counterclaimant Cisco Systems, Inc.
7 (“Cisco”) attached these transcripts as Exhibits C (Adekeye, DE 259.5), E (Yussuf, DE 259.7), and F
8 (Gray, DE 259.8) to the Declaration of Patrick M. Ryan in Support of Cisco’s Opposition to
9 Counterdefendants’ Motion to Stay Counterclaims (“Ryan Declaration,” DE 259);

10 WHEREAS, because these transcripts were designated “Confidential – Attorneys’ Eyes
11 Only,” Cisco also filed on June 28, 2010, an administrative motion pursuant to L.R. 7-11 and 79-5 to
12 seal these transcripts (the “Motion to Seal,” DE 260), seeking administrative relief to provisionally
13 file these transcripts under seal;

14 WHEREAS, on July 14, 2010, the Court entered its Order Granting Cisco Systems, Inc.’s
15 Administrative Motion to Seal (“Sealing Order,” DE 267), which states in pertinent part, “*The*
16 *documents will be deemed unsealed if the non-moving party fails to comply with Civil Local Rule*
17 *79-5 (d) by filing a declaration, which provides a legitimate basis to seal the documents by the date*
18 *required by that rule*” (Sealing Order, DE 267 at 2:10-12) (emphasis added);

19 WHEREAS, United States District Court for the Northern District of California Civil Local
20 Rule 79-5(d) provides that “[i]f the designating party does not file its responsive declaration” within
21 7 days of such a court order, “the document . . . will be made part of the public record;”

22 WHEREAS, Plaintiff and Counterdefendants did not file or serve any declaration regarding
23 the exhibits;

24 WHEREAS, Plaintiff and Counterdefendants have communicated to Cisco that they have de-
25 designated the Gray deposition transcript;

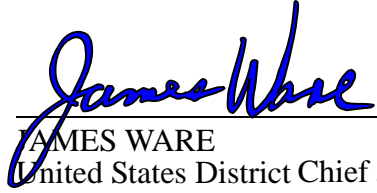
26 WHEREAS, certain portions of the Adekeye and Yussuf transcripts contain Plaintiff and
27 Counterdefendants’ confidential information, and the parties wish to protect that information while
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 23, 2011



JAMES WARE
United States District Chief Judge