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United States District Court
For the Northern District of California

E-FILED on 8/4/10

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

THE CENTRAL INSTITUTE FOR
EXPERIMENTAL ANIMALS, a Japanese
corporation,

Plaintiff,

v.

THE JACKSON LABORATORY, a Maine
corporation,

Defendant.

No. C-08-05568 RMW

ORDER REGARDING STIPULATION AND
MOTION TO SEAL

[Re Docket Nos. 176, 177, 183, 185, 186]

On July 23, 2010, the Jackson Laboratory ("Jackson") filed a motion for leave to amend its supplemental answer and counterclaims and for attorneys fees. Both Jackson and the Central Institute for Experimental Animals ("CIEA") moved to file under seal: (1) portions of Jackson's motion for leave to amend its supplemental answer and counterclaims and for attorneys fees and (2) portions of Exhibit A to the Declaration of Michael N. Rader, which contains Jackson's amended supplemental answer and counterclaims. On August 4, 2010, the parties filed a stipulation, in which CIEA agreed to permit Jackson to file an amended supplemental answer and counterclaims so long as Jackson withdraws its request for attorneys fees. Accordingly, Jackson withdrew its request for attorneys fees.

1 In light of the parties' stipulation permitting Jackson to file an amended supplemental answer
2 and counterclaims, Jackson's motion is moot, and the motion to file under seal portions of Jackson's
3 motion is denied. Pursuant to the parties' stipulation, CIEA will have 21 days to answer or
4 otherwise respond to Jackson's amended supplemental answer and counterclaims after they are filed.

5 The only remaining matter for the court's consideration is the parties' motion to file portions
6 of Jackson's amended supplemental answer and counterclaims under seal. A request to seal must
7 establish that the document, or portions thereof, is privileged or protectable as a trade secret or
8 otherwise entitled to protection under the law. Civ. L. R. 79-5(a). Having reviewed the portions of
9 the amended supplemental answer and counterclaims that the parties seek to file under seal, the
10 court finds that there does not appear to be a basis for filing this material under seal. Nonetheless, in
11 an abundance of caution, the court provides CIEA with another opportunity to explain why this
12 designated material is sealable. If CIEA does not submit a satisfactory explanation within ten days,
13 the motion to file under seal portions of Jackson's amended supplemental answer and counterclaims
14 will be denied.

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17 DATED: 8/4/10 _____



RONALD M. WHYTE
United States District Judge