

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NANOEXA CORP.,	)	Case No.: 10-CV-02631-LHK
	)	
Plaintiff,	)	ORDER DENYING WITHOUT
v.	)	PREJUDICE PLAINTIFF'S MOTION TO
	)	SEAL
	)	
THE UNIVERSITY OF CHICAGO and	)	(re: docket #63)
UCHICAGO ARGONE, LLC,	)	
	)	
Defendants.	)	

On September 24, 2010, Plaintiff Nanoexa Corporation moved to seal certain documents attached to its Opposition to Defendants' Motion to Dismiss. Specifically, Plaintiff requests leave to file under seal Exhibits A, D, and G to the Declaration of Nanoexa's Chief Executive Officer Michael Pak. Plaintiff's motion is DENIED WITHOUT PREJUDICE.

Plaintiff's motion to file under seal [dkt. #63] does not comply with Civil Local Rule 79-5(b), which requires that an administrative motion to file under seal be "accompanied by a declaration [by counsel] establishing that the entire document is sealable." Plaintiff's counsel has not submitted a declaration in support of his motion to file under seal.

Moreover, a motion to seal documents must be "narrowly tailored to seek sealing of only sealable material." Civ. Local Rule 79-5(a). It is not clear to the Court that Exhibit A and Exhibit

1 D, which pertain to Plaintiff's "corporate strategy" and "company plans," are sealable in their  
2 entirety. Finally, Exhibit G is a document that has already been produced and made part of the  
3 public record in this litigation and is thus not sealable.

4 Accordingly, the Court DENIES WITHOUT PREJUDICE Plaintiff's motion to seal.  
5 Plaintiff shall file any renewed motion to seal, responding to the deficiencies identified above, by  
6 Wednesday, October 13, 2010.

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8 **IT IS SO ORDERED.**

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10 Dated: October 8, 2010

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13 LUCY H. KOH  
14 United States District Judge