

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

BROCADE COMMUNICATIONS SYSTEMS,)
INC., a Delaware corporation, and FOUNDRY)
NETWORKS, LLC, a Delaware limited liability)
company,)
Plaintiffs and Counterclaim Defendants,)
v.)
A10 NETWORKS, INC., a California)
corporation; LEE CHEN, an individual;)
RAJKUMAR JALAN, an individual; RON)
SZETO, an individual; DAVID CHEUNG, an)
individual; LIANG HANG, an individual; and)
STEVE HWANG, an individual,)
Defendants and Counterclaimants.)

Case No.: 10-CV-03428-LHK
ORDER REQUIRING A10 TO COMPLY
WITH CIVIL LOCAL RULE 79-5(D)

On December 22, 2011, Brocade filed a motion for leave to file under seal portions of Plaintiffs’ expert’s declaration and associated exhibits in support of claim construction and summary judgment oppositions. ECF No. 419. Brocade seeks to file under seal the entirety of Exhibits J and K to the Gambhir Declaration and portions of the Rubin Declaration on the grounds that these documents *may* contain A10’s confidential, privileged and trade secret information including references to and analyses of A10’s source code.

Pursuant to Civil Local Rule 79-5(d), when a party seeks to file a document designated confidential by another party, the designating party must, within 7 days, “file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality.” More than 7 days have passed since Brocade filed its motion, and A10 has not filed any declaration regarding Brocade’s motion to file under seal. A10 shall file a declaration y

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5:00 p.m. on January 6, 2012, or, if it fails to do so, Exhibits J and K to the Gambhir Declaration and the entire Rubin Declaration may be made part of the public record.

IT IS SO ORDERED.

Dated: January 5, 2012



LUCY H. KOH
United States District Judge