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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIA TECHNOLOGIES, INC. (A
CALIFORNIA CORPORATION), et al.,

Plaintiffs,

v.

ASUS COMPUTER INTERNATIONAL, et
al.,

Defendants.

Case No. [14-cv-03586-BLF](#)

**ORDER RE: MOTION FOR LEAVE TO
FILE MOTION FOR
RECONSIDERATION OF SEALING
ORDER**

(Re: Docket No. 140)

Earlier today, the court unsealed certain documents filed by Defendants in connection with their opposition to Plaintiffs’ motion to compel.¹ At the same time, the court granted Plaintiffs’ motion to seal certain other documents filed in support of their reply to the motion to compel.² But because Defendants and Plaintiffs each filed the same document separately,³ the court’s order effectively treated two identical documents differently. Plaintiffs now ask the court to revisit that decision.⁴

Where a party files documents that its opponent has designated as confidential, “the Submitting Party’s declaration in support of the Administrative Motion to File Under Seal must

¹ See Docket No. 139.

² See *id.*

³ See Docket Nos. 120-5, 122-5.

⁴ See Docket No. 140.


1 identify the document or portions thereof which contain the designated confidential material.”⁵
2 Within four days, the party designating material as sealable—here, Plaintiffs—then “must file a
3 declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material
4 is sealable.”⁶

5 With respect to the documents at issue, the court specifically indicated that Plaintiffs had
6 filed “[n]o declaration in support . . . as required by Civ. L.R. 79-5(e)(1).”⁷ The declaration
7 Plaintiffs filed with their reply to the motion to compel made no mention of the documents
8 Defendants had filed with their opposition.⁸ In the absence of a supporting declaration, the court
9 might still have compared the document sought to be sealed with every other sealable document
10 that looked sufficiently similar. But the clear instructions of Local Rule 79-5 spare courts that
11 thankless task.

12 Plaintiffs’ instant motion still does not remedy the defect. Instead of denying the motion,
13 however, the court will give Plaintiffs a third bite at the apple. Plaintiffs shall file any declaration
14 “establishing that all of the designated material is sealable”⁹ by 5:00 PM tomorrow.

15 **SO ORDERED.**

16 Dated: March 28, 2016


17 PAUL S. GREWAL
18 United States Magistrate Judge

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⁵ Civ. L.R. 79-5(e).

23 ⁶ Civ. L.R. 79-5(e)(1).

24 ⁷ Docket No. 139 at 3.

25 ⁸ See Docket No. 122-1.

26 ⁹ Civ. L.R. 79-5(e)(1).