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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FINJAN, LLC,
Plaintiff,
v.
QUALYS INC.,
Defendant.

Case No. 18-cv-07229-YGR (TSH)

ORDER DENYING MOTION TO SEAL

Re: Dkt. No. 135

United States District Court
Northern District of California

On November 6, 2020, Finjan filed a motion to seal. ECF No. 135. The motion sought to seal two documents: Qualys’s October 1, 2020 Supplemental Objections and Responses to Finjan’s First Set of Interrogatories (Nos. 1-6) and Qualys’s October 1, 2020 Supplemental Objections and Responses to Finjan’s Third Set of Interrogatories (Nos. 12-19). The motion stated that the reason for sealing the documents was that Qualys had designed them as “confidential” under the terms of the protective order.

Civil Local Rule 79-5(e) states that “[i]f the Submitting Party is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order, or a document containing information so designated by an opposing party or a non-party, the Submitting Party’s declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the designated confidential material and identify the party that has designated the material as confidential (‘the Designating Party’). The declaration must be served on the Designating Party on the same day it is filed and a proof of such service must also be filed.” Finjan did those things.

The rule goes on to state that “[w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-

1 5(d)(1)(A) establishing that all of the designated material is sealable.” And “[i]f the Designating
2 Party does not file a responsive declaration as required by subsection 79-5(e)(1) and the
3 Administrative Motion to File Under Seal is denied, the Submitting Party may file the document
4 in the public record no earlier than 4 days, and no later than 10 days, after the motion is denied.”

5 Here, it has been more than four days since the filing of the motion to seal, and Qualys has
6 not filed the required declaration. Accordingly, the motion to seal at ECF No. 135 is denied.

7 **IT IS SO ORDERED.**

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9 Dated: November 12, 2020

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11 THOMAS S. HIXSON
12 United States Magistrate Judge

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United States District Court
Northern District of California