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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEDTRONIC, INC., et al.,

Plaintiffs,

No. 06-04455 JSW

v.

W.L. GORE & ASSOCIATES, INC.,

Defendant.

**ORDER RULING ON  
REMAINDER OF MOTIONS TO  
SEAL - Docket Nos. 412, 461, 469,  
481 and 484.**

On July 30, 2009, this Court issued an Order reserving ruling on certain portions of varied and sundry motions to seal filed by the parties. Having considered the parties' Local Rule 79-5 Declarations, submitted in response to that Order, the Court HEREBY ORDERS as follows:

**1. Docket No. 412**

Exhibits B and C to Gore's Opposition to Medtronic's Motion for Leave shall be filed under seal.

**2. Docket No. 461**

Pursuant to the Declaration of Marguerite E. Gerstner (Document 539), Exhibit M to the Declaration of Jennifer BianRosa in Support of Gore's Motion in Limine No. 2 shall be filed under seal. The request to file Exhibit N under seal is denied, and Gore shall file that Exhibit in the public record by August 14, 2009.

1 Pursuant to the Declaration of Ellen Wang, filed on August 3, 2009 (Docket No. 537),  
2 Exhibit C to the Declaration of Jennifer BianRosa in Support of Gore’s Motion in Limine No. 6  
3 shall be filed under seal.

4 Pursuant to the Wang Declaration, the request to file under seal Exhibits P and S to the  
5 Declaration of Jennifer BianRosa in Support of Gore’s Motion in Limine No. 2 and Exhibits 2  
6 and 21 to the Declaration of Ellen J. Wang in Support of Medtronic’s Oppositions to Gore’s  
7 Motion in Limine is denied. Gore shall file these documents in the public record by August 14,  
8 2009.

9 The Court notes that Exhibit 28 to the Wang Declaration in Support of Medtronic’s  
10 Oppositions to Gore’s Motion in Limine also was lodged under seal. However, neither Gore  
11 nor Medtronic addressed that document in the motions to seal pending before the Court.  
12 Accordingly, the parties are HEREBY ORDERED TO SHOW CAUSE why Exhibit 28 should  
13 not be filed in the public record. The parties’ responses are due by no later than August 14,  
14 2009. Failure to file a response by that date shall result in the Court requiring Exhibit 28 to be  
15 filed in the public record.

16 **3. Docket No. 469**

17 Pursuant to the Declaration of Ellen Wang filed on August 3, 2009 (Docket No. 538),  
18 the request to file under seal portions of Exhibit A to its Designated Testimony as to which  
19 Medtronic objected is DENIED. Gore shall file that Exhibit in the public record by August 14,  
20 2009.

21 **4. Docket No. 481.**

22 Pursuant to the Declaration of Jennifer BianRosa filed on August 3, 2009 (Docket No.  
23 536), the request to file (1) portions of Plaintiffs’ Memorandum of Law in Support of Disputed  
24 Jury Instructions; (2) portions of Plaintiffs’ Responsive Memorandum of Law in Support of  
25 Disputed Jury Instructions; (3) and portions of Exhibit 5 to the Declaration of Daniel B. Epstein  
26 in Support of Plaintiffs’ Memorandum of Law in Support of Disputed Jury Instructions is  
27 granted.  
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The request to file Exhibit 3 to the Declaration of Daniel B. Epstein in Support of Medtronic's Memorandum of Law in Support of Disputed Jury instructions is DENIED. Medtronic shall file a public version of that document by August 14, 2009.

**IT IS SO ORDERED.**

Dated: August 11, 2009

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE