

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MEDTRONIC, INC., *et al.*,  
Plaintiffs,  
v.  
AGA MEDICAL CORPORATION, *et al.*,  
Defendant.

No. C-07-0567 MMC (EMC)

**ORDER CONDITIONALLY GRANTING  
DEFENDANT’S UNOPPOSED MOTION  
TO COMPEL PRODUCTION OF  
DOCUMENTS WITHHELD ON THE  
BASIS OF CONFIDENTIALITY**

**(Docket No. 125)**

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Defendant has filed a motion asking the Court to compel Plaintiff to produce a patent license agreement that it entered into with Lombard Medical Technologies, Inc. Defendant represents that the motion is not opposed by Plaintiff, and Plaintiff has confirmed such. Apparently, Plaintiff has withheld the document solely because its agreement with Lombard provided that the agreement would not be produced in the absence of a court order compelling production.

Under these circumstances, the Court shall conditionally **GRANT** Defendant’s motion to compel. More specifically, the Court hereby orders that Plaintiff shall produce the agreement at issue to Defendant absent a motion by Lombard seeking to prevent disclosure. Plaintiff shall serve a copy of this order on Lombard such that it is *received* by Lombard no later than **December 5, 2008**. Once served, Plaintiff shall immediately file a proof of service with this Court. Lombard shall then have until **December 17, 2008**, to file a motion barring disclosure. If no motion is filed, then the

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1 agreement shall be produced by Plaintiff on **December 19, 2008**. If a motion is filed, the parties  
2 shall take no action pending further order of this Court.

3 Accordingly, the motion to compel is granted, subject to the provisions above.

4 This order disposes of Docket No. 125.

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6 **IT IS SO ORDERED.**

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8 Dated: November 18, 2008

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12 EDWARD M. CHEN  
13 United States Magistrate Judge  
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