

United States District Court
For the Northern District of California

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

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

No. C-07-0567 MMC

ORDER GRANTING IN PART AND DENYING IN PART MEDTRONIC'S MOTION TO FILE DOCUMENTS UNDER SEAL; DIRECTIONS TO MEDTRONIC; DIRECTIONS TO CLERK

Before the Court is plaintiffs' Medtronic, Inc., Medtronic USA, Inc., and Medtronic Vascular, Inc.'s (collectively, "Medtronic") administrative motion to file documents under seal, filed February 27, 2009. Having read and considered the motion and the declaration of Joshua C. Walsh-Benson in support thereof, the Court rules as follows.

1. With respect to Exhibits 4, 15, 17, 27, and 28 to the Declaration of Joshua C. Walsh-Benson in Support of Medtronic's Motions for Summary Judgment ("Walsh-Benson Summary Judgment Declaration") and the unredacted versions of Medtronic's Motion for Summary Judgment Against AGA's Equitable Estoppel Affirmative Defense and Counterclaim and Medtronic's Motion for Summary Judgment of No Inequitable Conduct, the motion is GRANTED.

2. With respect to Exhibits 1, 2, 3, 5, 6, 14, 19, 24, 29, 30, 31, 32, 33, and 34 to the Walsh-Benson Summary Judgment Declaration, Medtronic states such documents have

1 been designated confidential by AGA or by a third party. Under the Local Rules of this
2 District, where a party seeks to file under seal any material designated as confidential by
3 another party, the submitting party must file a motion for a sealing order. See Civ. L.R. 79-
4 5(d). "Within five days thereafter, the designating party must file with the Court and serve a
5 declaration establishing that the designated information is sealable, and must lodge and
6 serve a narrowly tailored proposed sealing order, or must withdraw the designation of
7 confidentiality." Id.

8 Here, AGA has not filed a responsive declaration. Accordingly, with respect to
9 Exhibits 1, 2, 3, 5, 6, 14, 19, 24, 29, 30, 31, 32, 33, and 34 to the Walsh-Benson Summary
10 Judgment Declaration, the motion is DENIED.

11 Accordingly, the Clerk shall file under seal the above-referenced documents found in
12 section 1 above to be sealable. If Medtronic wishes the Court to consider any document
13 not found to be sealable, Medtronic shall file such document in the public record no later
14 than March 20, 2009.

15 **IT IS SO ORDERED.**

16
17 Dated: March 13, 2009


MAXINE M. CHESNEY
United States District Judge