

1 Steven D. Hemminger (Bar No. 110665)
 ALSTON & BIRD LLP
 2 Two Palo Alto Square
 3000 El Camino Real, Suite 400
 3 Palo Alto, California 94306-2112
 Telephone: (650) 838-2000
 4 Facsimile: (650) 838-2001
 steve.hemminger@alston.com
 5

6 Michael S. Connor (admitted *pro hac vice*)
 Lance A. Lawson (admitted *pro hac vice*)
 Brian F. McMahon (Bar No. 235373)
 7 ALSTON & BIRD LLP
 101 South Tryon Street, Suite 4000
 8 Charlotte, North Carolina 28280-4000
 Telephone: (704) 444-1000
 9 Facsimile: (704) 444-1111
 mike.connor@alston.com
 10 lance.lawson@alston.com
 brian.mcmahon@alston.com
 11

12 Marissa R. Ducca (admitted *pro hac vice*)
 ALSTON & BIRD LLP
 950 F Street, N.W.
 13 Washington, DC 20004-1404
 Telephone: (202) 756-3369
 14 Facsimile: (202) 654-4982
 marissa.ducca@alston.com
 15

16 Attorneys for Defendant AGA MEDICAL CORPORATION

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 MEDTRONIC, INC., a Minnesota corporation,
 MEDTRONIC USA, INC., a Minnesota
 21 corporation, and MEDTRONIC VASCULAR,
 22 INC., a Delaware corporation,

23 Plaintiffs,

24 v.

25 AGA MEDICAL CORPORATION, a
 26 Minnesota corporation,

27 Defendant.

Case No. 3:07-cv-00567 MMC (EMC)

~~PROPOSED~~ ORDER GRANTING AGA'S
 ADMINISTRATIVE REQUEST TO FILE
 DOCUMENTS UNDER SEAL IN
 SUPPORT OF ITS MOTION *IN LIMINE*

1 Before this Court is AGA's Administrative Request to File Documents Under Seal in
2 Support of its Motion *In Limine* to exclude testimony reflected in the June 23, 2009 Sinclair
3 Declaration. Having considered AGA's Motion, the accompanying declaration and documents filed
4 no opposition having been filed, the Court hereby GRANTS
5 therewith, and the documents filed in response thereto, AGA's Motion is hereby GRANTED.

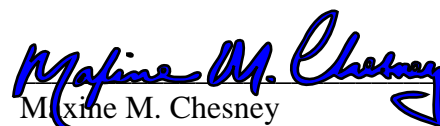
6 The following documents will be filed under seal:

- 7 • Exhibit 1 of the Hemminger Declaration in Support of AGA's Motion *in Limine* to Exclude
8 Testimony Reflected in the June 23, 2009 Sinclair Declaration: The Expert Report of Robert
9 Sinclair, Ph.D. Pursuant to Fed. R. Civ. P. 26(a)(2)(B), dated January 23, 2009.
- 10 • Exhibit 2 of the Hemminger Declaration in Support of AGA's Motion *in Limine* to Exclude
11 Testimony Reflected in the June 23, 2009 Sinclair Declaration: The Expert Rebuttal Report
12 of Prof. Kaushik Bhattacharya Pursuant to Fed. R. Civ. P. 26(a)(2)(B), dated February 6,
13 2009.
- 14 • Exhibit 3 of the Hemminger Declaration in Support of AGA's Motion *in Limine* to Exclude
15 Testimony Reflected in the June 23, 2009 Sinclair Declaration: The Expert Rebuttal Report
16 of Robert Sinclair, Ph.D. Pursuant to Fed. R. Civ. P. 26(a)(2)(B), dated February 6, 2009.
- 17 • Exhibit 4 of the Hemminger Declaration in Support of AGA's Motion *in Limine* to Exclude
18 Testimony Reflected in the June 23, 2009 Sinclair Declaration: Excerpts from the deposition
19 transcript of Robert Sinclair, Ph.D., Volume II, held on February 12, 2009.
- 20 • Exhibit 5 of the Hemminger Declaration in Support of AGA's Motion *in Limine* to Exclude
21 Testimony Reflected in the June 23, 2009 Sinclair Declaration: Excerpts from the deposition
22 transcript of Robert Sinclair, Ph.d., Volume I, held on February 11, 2009.

- 23 • The unredacted version of
24 AGA's Motion *in Limine* to Exclude Testimony Reflected in the June 23, 2009 Sinclair
25 Declaration; ~~3:27-28, 4:1-4, 5:14-28, 6:1-2, 6:13-20, 7:6-17, 8:8-12, 9:9-11, 9:13-16, 9:23-~~
26 ~~26, 10:1-15, 10:18-21, 10:25-26, 11:13-17, 11:19, 12:4-5.~~

27 IT IS SO ORDERED.

Dated: July 7, 2009


Maxine M. Chesney
United States District Judge