

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 DENYING AGA’S
ADMINISTRATIVE REQUEST TO FILE
SUPPLEMENTAL BRIEF IN SUPPORT
OF ITS MOTION IN LIMINE #1 UNDER
SEAL**

Before the Court is defendant AGA Medical Corporation’s (“AGA”) “Administrative Request to File its Supplemental Brief in Support of its Motion in Limine #1 under Seal,” filed June 30, 2009, by which AGA seeks to file under seal the unredacted version of such brief. AGA states portions of its brief contain information designated confidential by plaintiffs Medtronic, Inc., Medtronic USA, Inc., and Medtronic Vascular, Inc. (collectively, “Medtronic”).

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

1 does not file its responsive declaration as required by this subsection, the document or
2 proposed filing will be made part of the public record.” Id.

3 Here, Medtronic has not filed a responsive declaration within the time provided
4 under Civil Local Rule 79-5(d). Accordingly, the motion is hereby DENIED, and the Clerk
5 shall file the unredacted version of AGA’s Supplemental Brief in Support of its Motion in
6 Limine #1 in the public record.

7 **IT IS SO ORDERED.**

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9 Dated: July 10, 2009


MAXINE M. CHESNEY
United States District Judge

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