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United States District Court  
For the Northern District of California

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 ADMINISTRATIVE MOTION TO SEAL**

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 July 9, 2009. No opposition has been filed. Having read and considered the motion and the declarations of Andrew N. Thomases and Marissa R. Ducca filed in support thereof, the Court rules as follows.

1. With respect to Exhibits 2, 3, and 6 to the Declaration of Andrew N. Thomases in Support of Medtronic's Bench Brief in Support of Its Request to Admit into Evidence Trial Exhibits 181, 184, and 185 ("Thomases Declaration"), the motion is hereby GRANTED, and the Clerk shall file said documents under seal.

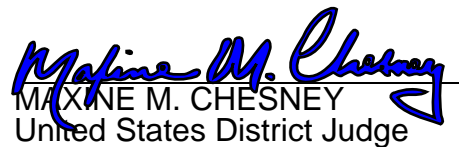
2. With respect to Exhibit 1 to the Thomases Declaration and the unredacted version of Medtronic's Bench Brief in Support of Its Request to Admit into Evidence Trial Exhibits 181, 184, and 185, Medtronic states such documents have been designated

1 confidential by defendant AGA Medical Corporation (“AGA”). 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 states it does not seek the sealing of Exhibit 1 to the Thomases  
9 Declaration or the unredacted version of Medtronic’s Bench Brief. (See Ducca Decl. ¶¶ 5-  
10 6.) Accordingly, with respect to Exhibit 1 to the Thomases Declaration and the unredacted  
11 version of Medtronic’s Bench Brief, the motion is hereby DENIED, and the Clerk shall file  
12 said documents in the public record.

13 **IT IS SO ORDERED.**

14  
15 Dated: July 15, 2009

  
MAXINE M. CHESNEY  
United States District Judge