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8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

11 TYCO HEALTHCARE GROUP LP d/b/a  
 12 VNUS MEDICAL TECHNOLOGIES,

13 Plaintiff,

14 v.

15 BIOLITEC, INC., DORNIER MEDTECH  
 AMERICA, INC., and NEW STAR LASERS,  
 16 INC. d/b/a COOLTOUCH, INC.,

17 Defendants.

LEAD CASE NO. C08-03129 MMC

CASE NO. C08-03129 MMC

**[PROPOSED] ORDER GRANTING IN  
 PART AND DENYING IN PART  
 DEFENDANTS' MOTION AND TVS's  
 MOTION FOR ADMINISTRATIVE  
 RELIEF TO FILE DOCUMENTS  
 UNDER SEAL (D.I. 224 and 232)**

**[CIVIL L.R. 7-11, 79-5(d)]**

19 TYCO HEALTHCARE GROUP LP d/b/a  
 20 VNUS MEDICAL TECHNOLOGIES,

21 Plaintiff,

22 v.

23 TOTAL VEIN SOLUTIONS, LLC d/b/a  
 24 TOTAL VEIN SYSTEMS,

25 Defendant.

CASE NO. C08-04234 MMC

(consolidated with C08-03129 MMC)

1 Before the Court is the Defendants' Motion and TVS's Motion to File Documents Under  
2 Seal dated July 16, 2010 (D.I. 224 and 232), by which Defendants seek leave to file under seal  
3 unredacted versions of certain documents submitted in conjunction with their reply briefs in support  
4 of their Motion for Summary Judgment that the '084 Patent Claims are Obvious ("Defendants' §  
5 103 Reply"), Motion for Summary Judgment that the Asserted '433 and '970 Claims are Invalid for  
6 Lack of Written Description ("Defendants' § 112 Reply"), and TVS's Motion for Summary  
7 Judgment of No Contributory Infringement (collectively, "Defendants' Reply Briefs"). Having  
8 reviewed the parties' submissions filed in support of the motions, the Court rules as follows:

9 1. The motions are GRANTED in part, specifically, as to the following documents that  
10 plaintiff has shown contain material properly filed under seal (see Kertz Decl., filed July 20, 2010),  
11 each of which the requesting party is directed to file under seal, no later than five calendar days  
12 from the date of this order. See General Order 62 ("If a motion to file under seal is granted in full  
13 or in part, the requesting party will e-file the document according the procedure outlined in the  
14 FAQs on the ECF website.").

- 15 • Exhibit 73 to the Declaration of Charles T. Steenburg in Support of Summary  
16 Judgment Reply Briefs Filed by biolitec, Inc. and Other Defendants, filed on July  
17 16, 2010
- 18 • Redacted pages 1 (ln. 18) and 2 (lns. 12-16) of Defendants' § 112 Reply, filed on  
19 July 16, 2010
- 20 • Redacted page 6 (lns. 19-22, 27-29) of Defendants' § 103 Reply, filed on July 16,  
2010.

21 2. The motions are DENIED in part, specifically, as to the following documents, in  
22 light of plaintiff's having withdrawn its prior designation of confidentiality, each of which the  
23 requesting party is directed to file in the public record no later than five calendar days from the date  
24 of this order.

- 25 • Exhibit FFF to the Declaration of John K. Buche in Support of the Reply to VNUS's  
26 Opposition to TVS's Motion for Summary Judgment of No Contributory  
27 Infringement, filed on July 16, 2010

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- Designated portions of Defendants’ Reply Briefs not identified above.

IT IS SO ORDERED.

Dated: July 28, \_\_\_\_\_ 2010

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/s/ Vaughn R Walker for  
HON. MAXINE M. CHESNEY  
United States District Judge