

1 Matthew B. Lehr (Bar No. 213139)
 Diem-Suong T. Nguyen (Bar No. 237557)
 2 David J. Lisson (Bar No. 250994)
 Chung G. Suh (Bar No. 244889)
 3 Jeremy Brodsky (Bar No. 257674)
 DAVIS POLK & WARDWELL LLP
 4 1600 El Camino Real
 Menlo Park, California 94025
 5 Telephone: (650) 752-2000
 Facsimile: (650) 752-2111

6 Attorneys for Plaintiff
 7 Tyco Healthcare Group LP d/b/a
 VNUS Medical Technologies
 8

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

12	TYCO HEALTHCARE GROUP LP d/b/a)	LEAD CASE NO. C08-03129 MMC
	VNUS MEDICAL TECHNOLOGIES,)	
13)	CASE NO. C08-03129 MMC
	Plaintiff,)	
14)	PROPOSED ORDER GRANTING IN
	v.)	PART AND DENYING IN PART
15)	DEFENDANTS' MOTION FOR
	BIOLITEC, INC.,)	ADMINISTRATIVE RELIEF TO FILE
16)	DOCUMENTS UNDER SEAL
	Defendant.)	
17)	
18)	
19	TYCO HEALTHCARE GROUP LP d/b/a)	CASE NO. C08-04234 MMC
	VNUS MEDICAL TECHNOLOGIES,)	(consolidated with C08-03129 MMC)
20)	
	Plaintiff,)	
21)	
	v.)	
22)	
	TOTAL VEIN SOLUTIONS, LLC d/b/a)	
23	TOTAL VEIN SOLUTIONS)	
24)	
	Defendant.)	

25
 26
 27
 28

1 Before the Court is the Defendants' Motion for Administrative Relief to File Documents
2 Under Seal dated August 12, 2011, by which defendants seek leave to file under seal unredacted
3 versions of certain documents submitted in support of their Opposition to Plaintiff's Motion for
4 Summary Judgment of No Inequitable Conduct. Having reviewed the parties' submissions filed in
5 support of the motion, the Court rules as follows:

6 1. The motion is GRANTED in part, specifically, as to the following documents that
7 plaintiff has shown contain material properly filed under seal (see Kertz Decl., filed August 19,
8 2011), each of which defendant is directed to file under seal, no later than ~~five calendar days from~~
9 ~~the date of this order.~~ September 8, 2011:

- 10 • The entirety of Exhibit J and portions of Exhibits AA and BB (reflecting Dr.
11 Goldman's hourly rate or retainer) to the Declaration of Charles T. Steenberg
12 in Support of Defendants' Opposition to Plaintiff's Motion for Summary
13 Judgment of No Inequitable Conduct.
- 14 • Designated portions of Defendants' Opposition to Plaintiff's Motion for
15 Summary Judgment of No Inequitable Conduct in which the confidential
16 content of the above exhibits is set forth (page 4 (lns. 5-6) and material on
17 pages 1 (ln. 15), 6 (lns. 6, 8), 7 (ln. 7), 8 (ln. 15), 9 (ln. 21), 15 (ln. 27), 20
18 (ln. 7), 22 (lns. 19, 25), and 23 (ln. 17) reflecting Dr. Goldman's hourly rate
19 or retainer).

20 2. The motion is DENIED as to materials provided under seal that are not specifically
21 identified in the foregoing paragraph, as the designating party has not filed a "responsive
22 declaration." Defendants are directed to file such documents in the public record no later than ~~five~~
23 ~~calendar days from the date of this order.~~ September 8, 2011.

24 IT IS SO ORDERED.

25 Dated: September 2, 2011

26 
27 The Honorable Maxine M. Chesney
28 United States District Judge