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7 IN THE UNITED STATES DISTRICT COURT
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 CONCEPTUS, INC.,

No. C 09-02280 WHA

12 Plaintiff,

13 v.

**ORDER RE DEFENDANT'S
MOTION TO FILE UNDER SEAL**

14 HOLOGIC, INC.,

15 Defendant.
16 _____/

17 Conceptus, Inc. has not timely filed a declaration supporting Hologic, Inc.'s motion to file
18 under seal exhibits B, E, K, AA, and JJ to the declaration of Katie J.L. Scott and the specified
19 three- and four-line portions of page 3 of Hologic's motion for summary judgment. Accordingly,
20 there is insufficient support to file these items under seal pursuant to Civil Local Rule 79-5(d).


21 Hologic's motion to file under seal exhibits P and CCC to the declaration of Katie J.L.
22 Scott is not "narrowly tailored to seek sealing only of sealable material" as required by Civil
23 Local Rule 79-5(a). For example, the identity and qualifications of an expert witness generally do
24 not constitute properly sealable information.

25 The parties may cure these defects by **NOON ON NOVEMBER 22, 2010**. Otherwise, these
26 materials will be filed in the public record. The parties are reminded that Civil Local Rule
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1 79-5 requires that all motions to file documents under seal must be supported by declarations
2 establishing that the documents are sealable.

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4 **IT IS SO ORDERED.**

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6 Dated: November 17, 2010.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE