## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

**IN RE: DA VINCI SURGICAL ROBOT** ANTITRUST LITIGATION

Case No. 21-cv-03825-AMO

### **OMNIBUS ORDER RE: SEALING**

Before the Court are the Parties' and Third-Parties' Administrative Motions to Seal, Motions to Consider Sealing Third-Party Materials, Statements in Support of Sealing, Declarations in Support of Sealing, and associated exhibits, at ECF 125, 128, 129, 130, 132, 134, 135, 137, 138, 139, 143, 150, 152, 155, 165, 168, 170, 171, 179, 180, 182, 186, 187. The Court, having carefully considered the submissions, the record, the applicable law, and any arguments related thereto, hereby orders that the Administrative Motions are **GRANTED** in part and **DENIED** in part.

#### LEGAL STANDARD

Pursuant to Civil Local Rule 79-5, the party seeking to file a document or portions of it 22 under seal must explain "(i) the legitimate private or public interests that warrant sealing; (ii) the 23 injury that will result if sealing is denied; and (iii) why a less restrictive alternative to sealing is not sufficient." Civil L.R. 79-5(c)(1). The request must be "narrowly tailored to seal only the 24 25 sealable material." *Id.* at 79-5(c)(3).

A party seeking to seal records must provide "compelling reasons" to overcome the 26 "strong presumption in favor of access." Kamakana v. City & Cty. Of Honolulu, 447 F.3d 1172, 27 28 1178 (9th Cir. 2006); see Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096 (9th

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Cir. 2016). The standard derives from the "common law right 'to inspect and copy public records and documents, including judicial records and documents." Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 678 (9th Cir. 2010) (quoting Kamakana, 447 F.3d at 1178). To overcome this strong presumption, the party seeking to seal judicial records must "articulate compelling reasons supported by specific factual findings... that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial 6 process." Kamakana, 447 F.3d at 1178-79 (citations omitted). The party must make a "particularized showing" that "specific prejudice or harm will result" if the information is disclosed. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1210-11 (9th Cir. 2002). 10

It is in the "sound discretion of the trial court" to determine what constitutes a "compelling reason" for sealing a court document. Ctr. for Auto Safety, 809 F.3d at 1097 (quoting Nixon v. 12 13 Warner Commc'ns, Inc., 435 U.S. 589, 599 (1978)). Compelling reasons justifying sealing court 14 records generally exist when such "court files might . . . become a vehicle for improper purposes" 15 such as "releas[ing] trade secrets," Kamakana, 447 F.3d at 1179, or "as sources of business information that might harm a litigant's competitive standing," Ctr. for Auto Safety, 809 F.3d at 16 1097; see In re Elec. Arts, Inc., 298 F. App'x 568, 569 (9th Cir. 2008) (sealing trade secret 17 18 information about "the pricing terms, royalty rates, and guaranteed minimum payment terms" in 19 the parties' licensing agreement). Records attached to nondispositive motions must meet the 20lower "good cause" standard of Rule 26(c) of the Federal Rules of Civil Procedure, as such records "are often unrelated, or only tangentially related, to the underlying cause of action." Kamakana, 447 F.3d at 1179-80 (quotations omitted). 22

#### DISCUSSION

24 The Court finds that compelling reasons exist to support the filing under seal of the documents or portions thereof listed as "granted" in the following chart and grants the requests to 25 seal these documents or portions thereof where they appear on the public docket. The Court 26 denies the request to seal any documents or portions thereof (1) listed as "denied" in the following 27 28 chart or (2) provisionally filed under seal pursuant to Local Rule 79-5(f) because a Party or ThirdParty had designated them as confidential or highly confidential under the protective order but that were not included in the below chart because no Party or Third-Party filed a statement or declaration seeking to maintain them under seal pursuant to Local Rule 79-5(f).

The Court appreciates the efforts of counsel to prepare the chart below, including citations to the relevant docket entries. The Court notes that, while it grants sealing many of the documents presented at this stage, it will be disinclined to permit sealing of materials presented in a public trial.

Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal			
Document or Portion of Document Sought to be	Evidence offered in Support of Sealing	Objections	Ruling
Sealed <sup>1</sup>			
ECF No. 125-2; 125-3	ECF No. 125-1		GRANTED.
Exhibit A - Bass	Wong Declaration in		Proprietary
Declaration in Support of	Support of Motion to		business
the Motion to Exclude	Seal, ¶ 5		information.
Einer Elhauge, Exhibit 1	DODN 105		
(Expert Report of Einer	ECF No. 125		
Elhauge)	Administrative		
• Page 14, redacted	Motion to File Under Seal Materials from		
fn. 55			
	Daubert Motions, pg. 1-3		
	1-5		
ECF No. 125-4	ECF No. 125-1		GRANTED.
Exhibit B - Chaput	Wong Declaration in		Proprietary
Declaration in Support of	Support of Motion to		business
the Motion to Exclude Dr.	Seal, ¶ 6		information.
T. Kim Parnell, Ex. 8			
(Howe 1/18/23 Larkin Rpt)	ECF No. 125		
• Page 28, Figure 6	Administrative		
	Motion to File Under		
	Seal Materials from		
	Daubert Motions, pg.		
	1-3		

Northern District of California United States District Court 

<sup>&</sup>lt;sup>1</sup> The docket numbers listed refer to the under seal version of the document at issue that was submitted in unredacted form for the Court's review.

D	ocuments or Portions The	reof that Intuitive Seeks	s to Maintain Under	Seal
	ocument or Portion of	Evidence offered in	Objections	Ruling
	ocument Sought to be ealed <sup>1</sup>	Support of Sealing		
	CF No. 125-4	ECF No. 125-1		DENIED.
	xhibit B - Chaput	Wong Declaration in		Descriptions of
	eclaration in Support of e Motion to Exclude Dr.	Support of Motion to Seal, ¶ 6		surgical maneuvers are not proprietary.
	. Kim Parnell, Ex. 8	Seal, 10		are not proprioury.
	Howe 1/18/23 Larkin Rpt)	ECF No. 125		
•	Page 36, Figure 9	Administrative		
		Motion to File Under		
		Seal Materials from		
		Daubert Motions, pg. 1-3		
		1-5		
	CF No. 125-4	ECF No. 125-1		DENIED.
	xhibit B - Chaput	Wong Declaration in		Descriptions of
	eclaration in Support of e Motion to Exclude Dr.	Support of Motion to		surgical maneuvers are not proprietary.
	. Kim Parnell, Ex. 8	Seal, ¶ 6		are not proprietary.
	Howe 1/18/23 Larkin Rpt)	ECF No. 125		
þ	Page 37, Figure 10	Administrative		
		Motion to File Under		
		Seal Materials from		
		Daubert Motions, pg. 1-3		
E	CF No. 125-4	ECF No. 125-1		GRANTED.
	xhibit B - Chaput	Wong Declaration in		Proprietary
	eclaration in Support of	Support of Motion to		business
	e Motion to Exclude Dr.	Seal, ¶ 6		information.
	. Kim Parnell, Ex. 8 Iowe 1/18/23 Larkin Rpt)	ECF No. 125		
(1) •	Page 84, Figure 20	Administrative		
		Motion to File Under		
		Seal Materials from		
		Daubert Motions, pg.		
		1-3		
		4		
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Document or Portion of Document Sought to be	Evidence offered in Support of Sealing	Objections	Ruling
Sealed <sup>1</sup>	Support of Scaling		
ECF No. 125-4	ECF No. 125-1		GRANTED
Exhibit B - Chaput	Wong Declaration in		Proprietary
Declaration in Support of	Support of Motion to		business
the Motion to Exclude Dr. T. Kim Parnell, Ex. 8	Seal, ¶ 6		information
(Howe 1/18/23 Larkin Rpt)	ECF No. 125		
• Page 88, Figure 21	Administrative		
	Motion to File Under		
	Seal Materials from		
	Daubert Motions, pg. 1-3		
	1-5		
ECF No. 125-4	ECF No. 125-1		GRANTED
Exhibit B - Chaput	Wong Declaration in		Proprietary
Declaration in Support of the Motion to Exclude Dr.	Support of Motion to Seal, $\P 6$		business information
T. Kim Parnell, Ex. 8	Seal, <sub>II</sub> o		linormation
(Howe 1/18/23 Larkin Rpt)	ECF No. 125		
• Page 89, redacted	Administrative		
portions of ¶ 174	Motion to File Under Seal Materials from		
	Daubert Motions, pg.		
	1-3		
ECF No. 125-5	ECF No. 125-1		GRANTED
Exhibit C - Chaput	Wong Declaration in		Proprietary
Declaration in Support of	Support of Motion to		business
the Motion to Exclude Dr.	Seal, ¶ 6		information
T. Kim Parnell, Ex. 9 (Howe 1/18/23 <i>SIS</i> Rpt)	ECF No. 125		
• Page 29, Figure 6	Administrative		
1 ugo 27, 1 iguie 0	Motion to File Under		
	Seal Materials from		
	Daubert Motions, pg.		
	1-3		

Document or Portion of Document Sought to be Sealed <sup>1</sup>	Evidence offered in Support of Sealing	Objections	Ruling
ECF No. 125-5	ECF No. 125-1		DENIED.
Exhibit C - Chaput	Wong Declaration in		Descriptions of surgical maneuvers
Declaration in Support of the Motion to Exclude Dr.	Support of Motion to Seal, ¶ 6		are not proprietary
T. Kim Parnell, Ex. 9			
(Howe 1/18/23 SIS Rpt)	ECF No. 125		
• Page 37, Figure 9	Administrative		
	Motion to File Under Seal Materials from		
	Daubert Motions, pg.		
	1-3		
ECF No. 125-5	ECF No. 125-1		DENIED.
Exhibit C - Chaput	Wong Declaration in		Descriptions of
Declaration in Support of the Motion to Exclude Dr.	Support of Motion to Seal, ¶ 6		surgical maneuver are not proprietary
T. Kim Parnell, Ex. 9 (Howe 1/18/23 <i>SIS</i> Rpt)	ECF No. 125		
• Page 38, Figure 10	Administrative		
1 460 000, 1 18410 10	Motion to File Under		
	Seal Materials from		
	Daubert Motions, pg. 1-3		
	1-5		
ECF No. 125-6	ECF No. 125-1		Page 28, Figure 6
Exhibit D - Lannin	Wong Declaration in		GRANTED. Proprietary
Declaration in Support of the Motion to Exclude Dr.	Support of Motion to Seal, ¶ 6		business
Eugene Rubach, Ex. 4	Seal, II o		information.
(Excerpts from (Howe	ECF No. 125		
1/18/23 <i>Larkin</i> Rpt)	Administrative		Page 37, Figure 9 Page 38, Figure 10
<ul><li>Page 28, Figure 6</li><li>Page 36, Figure 9</li></ul>	Motion to File Under Seal Materials from		DENIED.
<ul> <li>Page 30, Figure 9</li> <li>Page 37, Figure 10</li> </ul>	Daubert Motions, pg.		Descriptions of
	1-3		surgical maneuver are not proprietary
	6		
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Documents or Portions Th Document or Portion of	Evidence offered in	Objections	Ruling
Document Sought to be	Support of Sealing	Ū	U
Sealed <sup>1</sup>			
ECF No. 143-2; 143-15	ECF No. 143-1		GRANTED.
Exhibit 1, Plaintiffs' Administrative Motion to	Declaration of Dr.		Proprietary business
Consider	Jaime Wong in Support of Defendant		information
• Page 14, redacted	Intuitive Surgical's		mormation
fn. 55	Statement in Support		
	of Plaintiffs'		
	Administrative		
	Motions to Consider		
	Whether Another		
	Party's Materials Should be Sealed		
	("Wong Declaration		
	in Support of		
	Statement to Consider		
	Sealing"), ¶ 4		
	ECF No. 143		
	Intuitive's Statement		
	in Support of		
	Plaintiffs'		
	Administrative		
	Motion to Consider		
	Whether Another Party's Materials		
	Should be Sealed, pg.		
	1-3		
	7		

<b>Documents or Portions The</b>	reof that Intuitive Seeks	s to Maintain Under	Seal
Document or Portion of	Evidence offered in	Objections	Ruling
Document Sought to be	Support of Sealing		
Sealed <sup>1</sup>	DOD N. 142.1		
<b>ECF No. 143-3; 143-17</b> Exhibit 12 (Intuitive-	ECF No. 143-1 Wong Declaration in		GRANTED.
00067540 – Intuitive-	Wong Declaration in Support of Statement		Proprietary business
00067547), Plaintiffs'	to Consider Sealing, ¶		information.
Administrative Motion to	6		
Consider			
• Page Intuitive-	ECF No. 143		
00067547, redacted portion	Intuitive's Statement		
	in Support of Plaintiffs'		
	Administrative		
	Motion to Consider		
	Whether Another		
	Party's Materials		
	Should be Sealed, pg.		
	1-2, 4-5		
ECF No. 143-4; 143-17	ECF No. 143-1		GRANTED.
Exhibit 42 (Intuitive-	Wong Declaration in		Proprietary
00029174), Plaintiffs' Administrative Motion to	Support of Statement		business information.
Consider	to Consider Sealing, ¶ 4		information.
Page Intuitive-	·		
00029174, redacted	ECF No. 143		
portions.	Intuitive's Statement		
	in Support of		
	Plaintiffs' Administrative		
	Motion to Consider		
	Whether Another		
	Party's Materials		
	Should be Sealed, pg.		
	1-3		
		L	
	8		

<b>Documents or Portions Th</b>	ereof that Intuitive Seeks	s to Maintain Under	Seal
Document or Portion of	Evidence offered in	Objections	Ruling
Document Sought to be	Support of Sealing		
Sealed <sup>1</sup>			
ECF No. 143-5; 143-19	ECF No. 143-1		GRANTED.
Exhibit 44 (Intuitive- 00552697 – Intuitive-	Wong Declaration in Support of Statement		Proprietary product
00552715), Plaintiffs'	to Consider Sealing, ¶		development
Administrative Motion to	5		information.
Consider			momutom
<ul> <li>Pages Intuitive-</li> </ul>	ECF No. 143		
)0552706 – Intuitive-	Intuitive's Statement		
00552715, redacted	in Support of		
portions	Plaintiffs' Administrative		
	Motion to Consider		
	Whether Another		
	Party's Materials		
	Should be Sealed, pg.		
	1-4		
ECF No. 143-6; 143-20	ECF No. 143-1		GRANTED.
Exhibit 48 (Intuitive-	Wong Declaration in		Proprietary
)1235518 – Intuitive-	Support of Statement		business
01235542), Plaintiffs'	to Consider Sealing, ¶		information.
Administrative Motion to	6		
Pages Intuitive-	ECF No. 143		
)1235528 – Intuitive-	Intuitive's Statement		
)1235533, redacted	in Support of		
portions.	Plaintiffs'		
• Pages Intuitive-	Administrative Motion to Consider		
01235535 – Intuitive- 01235542, redacted	Whether Another		
portions.	Party's Materials		
	Should be Sealed, pg.		
	1-2, 4-5		
		1	<u> </u>
	9		

		ECEN. 142.1	
1	ECF No. 143-7; 143-21	ECF No. 143-1	GRANTED.
	Exhibit 68 (Intuitive-	Wong Declaration in	Proprietary
2	00560277 - Intuitive-	Support of Statement	business
2	00560390), Plaintiffs'	to Consider Sealing,	information and
3	Administrative Motion to	¶¶ 4, 6	non-public
4	Consider Deces containing reducted	ECF No. 143	financial information.
•	Pages containing redacted information:	Intuitive's Statement	mormation.
5		in Support of	
-	• Intuitive-00560281	Plaintiffs'	
6	• Intuitive-00560282	Administrative	
7	• Intuitive-00560291	Motion to Consider	
,	• Intuitive-00560292	Whether Another	
8	• Intuitive-00560293	Party's Materials	
0	• Intuitive-00560294	Should be Sealed, pg.	
9	• Intuitive-00560295	1-5	
10	• Intuitive-00560296		
10	• Intuitive-00560297		
11	• Intuitive-00560298		
	• Intuitive-00560299		
12	• Intuitive-00560300		
13	• Intuitive-00560301		
15	• Intuitive-00560302		
14	• Intuitive-00560303		
1.5	• Intuitive-00560304		
15	• Intuitive-00560305		
16	• Intuitive-00560306		
10	• Intuitive-00560307		
17	• Intuitive-00560308		
10	• Intuitive-00560309		
18	• Intuitive-00560310		
19	• Intuitive-00560311		
	• Intuitive-00560312		
20	• Intuitive-00560313		
21	• Intuitive-00560314		
21	• Intuitive-00560315		
22	• Intuitive-00560316		
	• Intuitive-00560317		
23	• Intuitive-00560318		
24	• Intuitive-00560320		
24	• Intuitive-00560321		
25	• Intuitive-00560322		
	• Intuitive-00560323		
26	• Intuitive-00560324		
27	• Intuitive-00560325		
<i>∠</i> /	• Intuitive-00560326		
28	• Intuitive-00560327		

Document or Portion of	Evidence offered in	Objections	Ruling
Document Sought to be	Support of Sealing		0
Sealed <sup>1</sup>			
• Intuitive-00560330			
– Intuitive-00560332			
• Intuitive-00560335			
– Intuitive-00560338			
• Intuitive-00560343			
- Intuitive-00560344			
• Intuitive-00560346			
• Intuitive-00560350			
– Intuitive-00560351			
• Intuitive-00560356			
• Intuitive-00560358			
- Intuitive-00560362			
• Intuitive-00560365 – Intuitive-00560369			
<ul> <li>Intuitive-00560309</li> <li>Intuitive-00560371</li> </ul>			
- Intuitive-00560378			
<ul> <li>Intuitive-00560386</li> </ul>			
- Intuitive-00560387			
• Intuitive-00560389			
- Intuitive-00560390			
ECF No. 143-8; 143-22	ECF No. 143-1		GRANTED.
Exhibit 69 (Intuitive-	Wong Declaration in		Proprietary
00366044 – Intuitive-	Support of Statement		business
00366053), Plaintiffs'	to Consider Sealing, ¶		information.
Administrative Motion to Consider	4		
Pages Intuitive-	ECF No. 143		
00366046 – Intuitive-	Intuitive's Statement		
00366047, redacted	in Support of		
portions.	Plaintiffs'		
• Pages Intuitive-	Administrative		
00366051 – Intuitive-	Motion to Consider		
00366052, redacted	Whether Another		
portions.	Party's Materials		
	Should be Sealed, pg.		
	1-3		

<b>Documents or Portions The</b>	ereof that Intuitive Seeks	s to Maintain Under	Seal
Document or Portion of	Evidence offered in	Objections	Ruling
Document Sought to be	Support of Sealing		
Sealed <sup>1</sup>	ECE N. 142.1		
<b>ECF No. 143-9; 143-23</b> Exhibit 73 (Intuitive-	ECF No. 143-1 Wong Declaration in		GRANTED. Proprietary
00519980 – Intuitive-	Support of Statement		business
00520005), Plaintiffs'	to Consider Sealing, ¶		information.
Administrative Motion to	4		
Consider			
• Pages Intuitive-	ECF No. 143		
00520001 – Intuitive- 00520002, redacted	Intuitive's Statement in Support of		
portions.	Plaintiffs'		
	Administrative		
	Motion to Consider		
	Whether Another		
	Party's Materials Should be Sealed, pg.		
	1-3		
	-		
ECF No. 143-10; 143-24	ECF No. 143-1		GRANTED.
Exhibit 76 (Intuitive-	Wong Declaration in		Non-public
00203904 – Intuitive- 00203906), Plaintiffs'	Support of Statement to Consider Sealing, ¶		financial information.
Administrative Motion to	6		mormation.
Consider			
• Pages Intuitive-	ECF No. 143		
00203904 – Intuitive-	Intuitive's Statement		
00203905, redacted portions	in Support of Plaintiffs'		
portions	Administrative		
	Motion to Consider		
	Whether Another		
	Party's Materials Should be Sealed, pg.		
	1-2, 4-5		
	12		

Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal				
Document or Portion of Document Sought to be	Evidence offered in Support of Sealing	Objections	Ruling	
Sealed <sup>1</sup> ECF No. 143-11; 143-25 Exhibit 90 (Intuitive- 00552716 – Intuitive- 00552727), Plaintiffs' Administrative Motion to Consider • Pages Intuitive- 00552723 – Intuitive- 00552727, redacted portions.	ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 5 ECF No. 143 Intuitive's Statement in Support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Materials Should be Sealed, pg. 1-4		GRANTED. Proprietary business and product development information.	
<ul> <li>ECF No. 143-12; 143-26</li> <li>Exhibit 93 (Intuitive- 02038766 – Intuitive- 02038770), Plaintiffs'</li> <li>Administrative Motion to Consider</li> <li>Page Intuitive- 02038767, redacted portions.</li> <li>Page Intuitive- 02038768, redacted portions.</li> </ul>	<ul> <li>ECF No. 143-1</li> <li>Wong Declaration in Support of Statement to Consider Sealing,</li> <li>¶¶ 4, 5</li> <li>ECF No. 143</li> <li>Intuitive's Statement in Support of Plaintiffs' Administrative Motion to Consider</li> <li>Whether Another Party's Materials Should be Sealed, pg. 1-4</li> </ul>		GRANTED. Proprietary business information.	
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Document or Portion of Document Sought to be Sealed <sup>1</sup>	Evidence offered in Support of Sealing	Objections	Ruling
ECF No. 143-13; 143-27	ECF No. 143-1		GRANTED.
Exhibit 96 (Intuitive- 00552728 – Intuitive-	Wong Declaration in Support of Statement		Proprietary business and
00552743), Plaintiffs'	to Consider Sealing, ¶		product
Administrative Motion to	5		development
Consider			information.
• Pages Intuitive- 00552735 – Intuitive-	ECF No. 143 Intuitive's Statement		
00552741 and Intuitive-	in Support of		
00552743, redacted	Plaintiffs'		
portions.	Administrative		
	Motion to Consider Whether Another		
	Party's Materials		
	Should be Sealed, pg.		
	1-4		
ECE No. 142 14, 142 29	ECF No. 143-1		GRANTED.
ECF No. 143-14; 143-28 Exhibit 97 (Intuitive-	Wong Declaration in		Proprietary
01265649 – Intuitive-	Support of Statement		business and no
01265809), Plaintiffs'	to Consider Sealing, ¶		public financial
Administrative Motion to	6		information.
Consider	ECF No. 143		
Pages containing redacted	Intuitive's Statement		
information:	in Support of		
• Intuitive-01265652			
<ul> <li>Intuitive-01265655</li> <li>Intuitive-01265657</li> </ul>	Administrative Motion to Consider		
- Intuitive-01265675	Whether Another		
<ul> <li>Intuitive 01205075</li> <li>Intuitive-01265677</li> </ul>			
- Intuitive-01265740	Should be Sealed, pg.		
• Intuitive-01265742	2-3, 5-6		
– Intuitive-01265756			
• Intuitive-01265759 – Intuitive-01265774	, 		
<ul> <li>Intuitive 01205774</li> <li>Intuitive-01265776</li> </ul>	;		
- Intuitive-01265779			
• Intuitive-01265781			
– Intuitive-01265787			
<ul> <li>Intuitive-01265789</li> <li>Intuitive-01265792</li> </ul>			

Document or Portion of Document Sought to be Sealed <sup>1</sup>	Evidence offered in Support of Sealing	Objections	Ruling
• • Intuitive- 01265794 – Intuitive- 01265809			
01265809 ECF No. 152-2 Declaration of Kathryn E. Cahoy in Support of Intuitive's Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment Ex. 3 (Howe 1/18/23 <i>Larkin</i> Rpt) Page 28, Figure 6 Page 36, Figure 9 Page 37, Figure 10 Page 84, Figure 20 Page 88, Figure 21 Page 89, redacted portions of ¶ 174	ECF No. 152-1 Declaration of Dr. Jaime Wong in Support of Intuitive Surgical's Administrative Motions to Seal Materials From Its Summary Judgment Briefs, ¶ 6 ECF No. 152 Intuitive's Administrative Motion to Seal Materials From its Opposition to Plaintiffs' Motion for Summary Judgment and Cross Motion for Summary Judgment, pg. 1-2		<ul> <li>Page 28, Figure GRANTED.</li> <li>Proprietary business information.</li> <li>Page 37, Figure Page 38, Figure DENIED.</li> <li>Descriptions of surgical maneuv are not proprieta</li> <li>Page 84, Figure Page 88, Figure Page 89, redacto portions of ¶ 17 GRANTED.</li> <li>Proprietary business and product development information.</li> </ul>

Document or Portion of Document Sought to be Sealed1Evidence offered in Support of SealingObjectionsRulingECF No. 168-2 Bateman Ex. 8 ISO Plaintiffs' Opposition to Intuitive's Motion to Exclude Testimony of Einer Elhauge - Deposition of Nickola "Nicky" Goodson (October 27, 2022)ECF No. 168-1 Declaration of Dr. Jaime Wong in Surgical, Inc.'s Statement in Support of Plaintiffs' April 20, 2023 Administrative Whether Another Party's Materials Should Be Sealed ("Wong Dec."), ¶ 4GRANT Proprieta business informati Statement in Support of Plaintiffs' April 20, 2023 Administrative Motions to Consider Whether Another Party's Materials Should Be Sealed ("Wong Dec."), ¶ 4GRANT Proprieta business informati Should Be Sealed ("Wong Dec."), ¶ 4ECF No. 125-2; 125-3 Bateman Ex. 1 ISO Plaintiffs' Opposition toECF No. 168-1 Wong Decl. ¶ 4GRANT Proprieta business	<b>Documents or Portions The</b>	ereof that Intuitive Seeks	s to Maintain Under	Seal
Sealed1CCF No. 168-2Bateman Ex. 8 ISOECF No. 168-1Datimifis' Opposition toDeclaration of Dr.Intuitive's Motion toSupport of IntuitiveEthauge - Deposition ofSurgical, Inc.'sNickola "Nicky" Goodsonof Plaintiffs' April 20,(October 27, 2022)Statement in Support• Pages 183-184,redacted portions.redacted portions.Whether AnotherParty's MaterialsShould Be Sealed("Wong Dec."), ¶4ECF No. 168Intuitive's Statement in Support ofPlaintiffs' April 20,2023 AdministrativeMotion to ConsiderWhether AnotherParty's MaterialsShould Be Sealed("Wong Dec."), ¶4ECF No. 125-2; 125-3Bateman Ex. 1 ISOPlaintiffs' Opposition toIntuitive's Motion toExclude Testimony of EinerElhauge (January 10, 2023)• Page 14, redactedfn. 55* Page 14, redactedfn. 55* StaterialsShould be Sealed, pg.1-3(See Dkt. 125-2; Dkt.	Document or Portion of	Evidence offered in		
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Page 14, redacted Motion to Consider Motion to Consider Whether Another Party's Materials Should be Sealed, pg. 1-3 (See Dkt. 125-2; Dkt.				
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1-3 ( <i>See</i> Dkt. 125-2; Dkt.				
(See Dkt. 125-2; Dkt.				
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1	<b>Documents or Portions The</b>	ereof that Intuitive Seeks	s to Maintain Under	Seal
1	Document or Portion of	Evidence offered in	Objections	Ruling
2	Document Sought to be Sealed <sup>1</sup>	Support of Sealing		
3	ECF No. 143-12; 143-26	ECF No. 168-1		GRANTED.
4	McCuaig Ex. 15 ISO of	Wong Decl. ¶ 4		Proprietary
	Plaintiffs' Opposition to Intuitive's Motion to	ECF No. 168		business information.
5	Exclude Kimberly	Intuitive's Statement		miormation.
6	Trautman's Testimony -	in Support of		
7	Intuitive-02038766	Plaintiffs' April 20, 2023 Administrative		
	• Pages Intuitive- 02038767–68, redacted	Motion to Consider		
8	portions.	Whether Another		
9		Party's Materials		
10		Should be Sealed, pg. 1-3		
11		(See Dkt. 143-26; Dkt.		
12	ECE No. 142 11, 142 25	143-29 at 4–5) ECF No. 168-1		GRANTED.
13	ECF No. 143-11; 143-25 Spector Ex. 8 ISO	Wong Decl. ¶ 5		Proprietary
	Plaintiffs' Opposition to			business and
14	Defendant's Motion to	ECF No. 168		product
15	Exclude Testimony of Dr. Eugene Rubach - Intuitive-	Intuitive's Statement in Support of		development information.
16	00552716 – Intuitive-	Plaintiffs' April 20,		information.
16	00552727, NFJ for IS4000	2023 Administrative		
17	8mm Needle Drivers	Motion to Consider Whether Another		
18	• Pages Intuitive- 00552723 – Intuitive-	Party's Materials		
	00552727, redacted	Should be Sealed, pg.		
19	portions.	1-4		
20		(See Dkt. 143-25; Dkt.		
21		(See Bitt. 115 25, Bitt. 143-29 at 4)		
22				
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1	Document or Portion of	Evidence offered in	Objections	Ruling
2	Document Sought to be	Support of Sealing		
3	Sealed <sup>1</sup> ECF No. 168-3	ECF No. 168-1		GRANTED.
5	McCuaig Ex. 12 ISO of	Wong Decl. $\P$ 5		Proprietary
4	Plaintiffs' Opposition to			business
5	Intuitive's Motion to	ECF No. 168		information.
	Exclude Kimberly	Intuitive's Statement		
6	Trautman's Testimony -	in Support of		
7	Intuitive-00493612 • Page Intuitive-	Plaintiffs' April 20, 2023 Administrative		
	00493619, redacted	Motion to Consider		
8	portions.	Whether Another		
9	Page Intuitive-	Party's Materials		
10	00493623, redacted portion.	Should be Sealed, pg.		
10	• Page Intuitive-	1-4		
11	00493625, redacted portions.			
10	Page Intuitive-			
12	00493630, redacted			
13	portions.			
14	• Page Intuitive-			
14	00493633, redacted			
15	portions. ECF No. 143-3; 143-17	ECF No. 168-1		GRANTED.
16	McCuaig Ex. 9 ISO of	Wong Decl. ¶ 6		Proprietary
	Plaintiffs' Opposition to			business
17	Intuitive's Motion to	ECF No. 168		information.
18	Exclude Kimberly	Intuitive's Statement		
	Trautman's Testimony - Intuitive-00067540 -SLSA	in Support of Plaintiffs' April 20,		
19	Page Intuitive-	2023 Administrative		
20	00067547, redacted portion	Motion to Consider		
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21		Party's Materials		
22		Should be Sealed, pg. 1-2, 4		
23		1-2, 7		
23		(See Dkt. 143-17; Dkt.		
24		143-29 at 1)		
25				
26				
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Document or Portion of	Evidence offered in	Objections	Ruling
Document Sought to be Sealed <sup>1</sup>	Support of Sealing		
ECF No. 180-2	ECF No. 180-1		GRANTED
Spector Decl., Ex. 102	Declaration of Dr.		Proprietary
(Intuitive-	Jaime Wong in		business and
02056740-Intuitive-	Support of Intuitive		product
02056761)	Surgical, Inc.'s		developmen
	Statement in Support		information
Pages containing redacted	of		
information:	Plaintiffs' May 4,		
• Intuitive-02057644-	2023		
Intuitive-02057646	Administrative		
• Intuitive-02057649	Motions to		
• Intuitive-02057651	Consider Whether		
	Another Party's		
	Materials Should		
	Be Sealed ("Wong		
	Dec."),		
	Wong Dec. ¶ 6.		
	ECF No. 180		
	Intuitive's Statement		
	in Support of		
	Plaintiffs' May 4,		
	2023 Administrative		
	Motion to Consider		
	Whether Another		
	Party's Materials		
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ECF No. 180-3	ECF No. 180-1		GRANTED
Spector Decl., Ex. 123	Wong Dec. ¶ 6		Proprietary
(Intuitive-			business and
00493612-Intuitive-	ECF No. 180		product
00493670)	Intuitive's Statement		developmer
	in Support of		information
Pages containing redacted	Plaintiffs' May 4,		
information:	2023 Administrative		
• Intuitive-00493619	Motion to Consider		
• Intuitive-00493623	Whether Another		
• Intuitive-00493625	Party's Materials		
• Intuitive-00493630	Should be Sealed, pg.		
<ul> <li>Intuitive-00493633</li> </ul>	1-4		

Document or Portion of Document Sought to be Sealed <sup>1</sup>	Evidence offered in Support of Sealing	Objections	Ruling
ECF No. 180-4 Spector Decl., Exhibit 130	<b>ECF No. 180-1</b> Wong Dec. ¶ 7		GRANTED Non-public
- Restore Settlement (Intuitive-	ECF No. 180		financial information.
02072151 –Intuitive- 02072157)	Intuitive's Statement in Support of		
• Page Intuitive- 02072153, redacted	Plaintiffs' May 4, 2023 Administrative		
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– Rebotix Settlement			financial
(Intuitive- 02070399 –Intuitive-	ECF No. 180 Intuitive's Statement		information
<ul><li>02070405)</li><li>Pages Intuitive-</li></ul>	in Support of Plaintiffs' May 4,		
2070401- Intuitive- 02070402, redacted	2023 Administrative Motion to Consider		
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ECF No. 180-6	ECF No. 180-1		GRANTED
Spector Decl., Exhibit 146 (Intuitive-00786911 –	Wong Dec. ¶ 5		Proprietary business
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• Page Intuitive-	in Support of		
00786914, redacted portions.	Plaintiffs' May 4, 2023 Administrative		
• Page Intuitive- 00786919, redacted	Motion to Consider Whether Another		
<ul><li>portions.</li><li>Page Intuitive-</li></ul>	Party's Materials Should be Sealed, pg.		
00786945, redacted portions.	1-3		

Document or Portion of	Evidence offered in	Objections	Ruling
Document Sought to be Sealed <sup>1</sup>	Support of Sealing		
ECF No. 180-7	ECF No. 180-1		GRANTED.
Spector Decl., Exhibit 147	Wong Dec. ¶ 5		Proprietary
(Intuitive-00785382 –			business
Intuitive-	ECF No. 180		information.
00785422)	Intuitive's Statement		
• Page Intuitive-	in Support of		
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ECF No. 186-2	ECF No. 186-1		GRANTED.
Cahoy Supp. Declaration	Declaration of Dr.		Cybersecurity development
Ex. 90 Intuitive-00506505	Jaime Wong in		content.
excerpts)	Support of Intuitive Surgical, Inc.'s		content.
• Pages Intuitive-	Administrative		
0506539–42, redacted	Motion		
portions	to Seal Materials from		
<ul> <li>Pages Intuitive-</li> </ul>	its Summary		
0506593–94, redacted	Judgment		
portions	Reply ("Wong Dec."),		
	Wong Dec. ¶ 4.		
	ECF No. 186		
	Intuitive's Administrative		
	Motion to Seal		
	Materials From its		
	Summary Judgment		
	Reply, pg. 1-2		
IT IS SO ORDEREI	).		
Dated: April 1, 2024			
aca. April 1, 2024			Martha

ARACELI MARTÍNEZ-OLGUÍN United States District Judge

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