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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 under seal must explain “(i) the legitimate private or public interests that warrant sealing; (ii) the 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 sealable material.” *Id.* at 79-5(c)(3).

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

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

11 It is in the “sound discretion of the trial court” to determine what constitutes a “compelling
12 reason” for sealing a court document. *Ctr. for Auto Safety*, 809 F.3d at 1097 (quoting *Nixon v.*
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
16 information that might harm a litigant’s competitive standing,” *Ctr. for Auto Safety*, 809 F.3d at
17 1097; see *In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008) (sealing trade secret
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
20 lower “good cause” standard of Rule 26(c) of the Federal Rules of Civil Procedure, as such
21 records “are often unrelated, or only tangentially related, to the underlying cause of action.”
22 *Kamakana*, 447 F.3d at 1179-80 (quotations omitted).

23 DISCUSSION

24 The Court finds that compelling reasons exist to support the filing under seal of the
25 documents or portions thereof listed as “granted” in the following chart and grants the requests to
26 seal these documents or portions thereof where they appear on the public docket. The Court
27 denies the request to seal any documents or portions thereof (1) listed as “denied” in the following
28 chart or (2) provisionally filed under seal pursuant to Local Rule 79-5(f) because a Party or Third-

1 Party had designated them as confidential or highly confidential under the protective order but that
 2 were not included in the below chart because no Party or Third-Party filed a statement or
 3 declaration seeking to maintain them under seal pursuant to Local Rule 79-5(f).

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

| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| ECF No. 125-2; 125-3 Exhibit A - Bass Declaration in Support of the Motion to Exclude Einer Elhauge, Exhibit 1 (Expert Report of Einer Elhauge) <ul style="list-style-type: none"> Page 14, redacted fn. 55 | ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 5 ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3 | | GRANTED. Proprietary business information. |
| ECF No. 125-4 Exhibit B - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 8 (Howe 1/18/23 Larkin Rpt) <ul style="list-style-type: none"> Page 28, Figure 6 | ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6 ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3 | | GRANTED. Proprietary business information. |

¹ 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.

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
|---|---|-------------------|--|
| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 125-4 Exhibit B - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 8 (Howe 1/18/23 Larkin Rpt)</p> <ul style="list-style-type: none"> Page 36, Figure 9 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | DENIED. Descriptions of surgical maneuvers are not proprietary. |
| <p>ECF No. 125-4 Exhibit B - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 8 (Howe 1/18/23 Larkin Rpt)</p> <ul style="list-style-type: none"> Page 37, Figure 10 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | DENIED. Descriptions of surgical maneuvers are not proprietary. |
| <p>ECF No. 125-4 Exhibit B - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 8 (Howe 1/18/23 Larkin Rpt)</p> <ul style="list-style-type: none"> Page 84, Figure 20 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | GRANTED. Proprietary business information. |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 125-4 Exhibit B - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 8 (Howe 1/18/23 Larkin Rpt)</p> <ul style="list-style-type: none"> Page 88, Figure 21 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | GRANTED. Proprietary business information. |
| <p>ECF No. 125-4 Exhibit B - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 8 (Howe 1/18/23 Larkin Rpt)</p> <ul style="list-style-type: none"> Page 89, redacted portions of ¶ 174 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | GRANTED. Proprietary business information. |
| <p>ECF No. 125-5 Exhibit C - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 9 (Howe 1/18/23 SIS Rpt)</p> <ul style="list-style-type: none"> Page 29, Figure 6 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | GRANTED. Proprietary business information. |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 125-5 Exhibit C - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 9 (Howe 1/18/23 <i>SIS</i> Rpt)</p> <ul style="list-style-type: none"> Page 37, Figure 9 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | <p>DENIED. Descriptions of surgical maneuvers are not proprietary.</p> |
| <p>ECF No. 125-5 Exhibit C - Chaput Declaration in Support of the Motion to Exclude Dr. T. Kim Parnell, Ex. 9 (Howe 1/18/23 <i>SIS</i> Rpt)</p> <ul style="list-style-type: none"> Page 38, Figure 10 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | <p>DENIED. Descriptions of surgical maneuvers are not proprietary.</p> |
| <p>ECF No. 125-6 Exhibit D - Lannin Declaration in Support of the Motion to Exclude Dr. Eugene Rubach, Ex. 4 (Excerpts from (Howe 1/18/23 <i>Larkin</i> Rpt)</p> <ul style="list-style-type: none"> Page 28, Figure 6 Page 36, Figure 9 Page 37, Figure 10 | <p>ECF No. 125-1 Wong Declaration in Support of Motion to Seal, ¶ 6</p> <p>ECF No. 125 Administrative Motion to File Under Seal Materials from Daubert Motions, pg. 1-3</p> | | <p>Page 28, Figure 6 GRANTED. Proprietary business information.</p> <p>Page 37, Figure 9 Page 38, Figure 10 DENIED. Descriptions of surgical maneuvers are not proprietary.</p> |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 143-2; 143-15 Exhibit 1, Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Page 14, redacted fn. 55 | <p>ECF No. 143-1 Declaration of Dr. Jaime Wong in Support of Defendant Intuitive Surgical’s 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</p> <p>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</p> | | <p>GRANTED. Proprietary business information.</p> |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 143-3; 143-17 Exhibit 12 (Intuitive-00067540 – Intuitive-00067547), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Page Intuitive-00067547, redacted portion | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 6</p> <p>ECF No. 143 Intuitive’s Statement in Support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-2, 4-5</p> | | GRANTED. Proprietary business information. |
| <p>ECF No. 143-4; 143-17 Exhibit 42 (Intuitive-00029174), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Page Intuitive-00029174, redacted portions. | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 4</p> <p>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</p> | | GRANTED. Proprietary business information. |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 143-5; 143-19 Exhibit 44 (Intuitive-00552697 – Intuitive-00552715), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Pages Intuitive-00552706 – Intuitive-00552715, redacted portions | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 5</p> <p>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</p> | | GRANTED. Proprietary product development information. |
| <p>ECF No. 143-6; 143-20 Exhibit 48 (Intuitive-01235518 – Intuitive-01235542), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Pages Intuitive-01235528 – Intuitive-01235533, redacted portions. • Pages Intuitive-01235535 – Intuitive-01235542, redacted portions. | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 6</p> <p>ECF No. 143 Intuitive’s Statement in Support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-2, 4-5</p> | | GRANTED. Proprietary business information. |

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| <p>ECF No. 143-7; 143-21 Exhibit 68 (Intuitive-00560277 – Intuitive-00560390), Plaintiffs’ Administrative Motion to Consider Pages containing redacted information:</p> <ul style="list-style-type: none"> • Intuitive-00560281 • Intuitive-00560282 • Intuitive-00560291 • Intuitive-00560292 • Intuitive-00560293 • Intuitive-00560294 • Intuitive-00560295 • Intuitive-00560296 • Intuitive-00560297 • Intuitive-00560298 • Intuitive-00560299 • Intuitive-00560300 • Intuitive-00560301 • Intuitive-00560302 • Intuitive-00560303 • Intuitive-00560304 • Intuitive-00560305 • Intuitive-00560306 • Intuitive-00560307 • Intuitive-00560308 • Intuitive-00560309 • Intuitive-00560310 • Intuitive-00560311 • Intuitive-00560312 • Intuitive-00560313 • Intuitive-00560314 • Intuitive-00560315 • Intuitive-00560316 • Intuitive-00560317 • Intuitive-00560318 • Intuitive-00560320 • Intuitive-00560321 • Intuitive-00560322 • Intuitive-00560323 • Intuitive-00560324 • Intuitive-00560325 • Intuitive-00560326 • Intuitive-00560327 | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶¶ 4, 6</p> <p>ECF No. 143 Intuitive’s Statement in Support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-5</p> | | <p>GRANTED. Proprietary business information and non-public financial information.</p> |
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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <ul style="list-style-type: none"> • 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 • Intuitive-00560371 – Intuitive-00560378 • Intuitive-00560386 – Intuitive-00560387 • Intuitive-00560389 – Intuitive-00560390 | | | |
| <p>ECF No. 143-8; 143-22 Exhibit 69 (Intuitive-00366044 – Intuitive-00366053), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Pages Intuitive-00366046 – Intuitive-00366047, redacted portions. • Pages Intuitive-00366051 – Intuitive-00366052, redacted portions. | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 4</p> <p>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</p> | | GRANTED. Proprietary business information. |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 143-9; 143-23 Exhibit 73 (Intuitive-00519980 – Intuitive-00520005), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Pages Intuitive-00520001 – Intuitive-00520002, redacted portions. | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 4</p> <p>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</p> | | GRANTED. Proprietary business information. |
| <p>ECF No. 143-10; 143-24 Exhibit 76 (Intuitive-00203904 – Intuitive-00203906), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Pages Intuitive-00203904 – Intuitive-00203905, redacted portions | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 6</p> <p>ECF No. 143 Intuitive’s Statement in Support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-2, 4-5</p> | | GRANTED. Non-public financial information. |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 143-11; 143-25 Exhibit 90 (Intuitive-00552716 – Intuitive-00552727), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Pages Intuitive-00552723 – Intuitive-00552727, redacted portions. | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 5</p> <p>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</p> | | <p>GRANTED. Proprietary business and product development information.</p> |
| <p>ECF No. 143-12; 143-26 Exhibit 93 (Intuitive-02038766 – Intuitive-02038770), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Page Intuitive-02038767, redacted portions. • Page Intuitive-02038768, redacted portions. | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶¶ 4, 5</p> <p>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</p> | | <p>GRANTED. Proprietary business information.</p> |

| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 143-13; 143-27 Exhibit 96 (Intuitive-00552728 – Intuitive-00552743), Plaintiffs’ Administrative Motion to Consider</p> <ul style="list-style-type: none"> • Pages Intuitive-00552735 – Intuitive-00552741 and Intuitive-00552743, redacted portions. | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 5</p> <p>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</p> | | GRANTED. Proprietary business and product development information. |
| <p>ECF No. 143-14; 143-28 Exhibit 97 (Intuitive-01265649 – Intuitive-01265809), Plaintiffs’ Administrative Motion to Consider</p> <p>Pages containing redacted information:</p> <ul style="list-style-type: none"> • Intuitive-01265652 – Intuitive-01265655 • Intuitive-01265657 – Intuitive-01265675 • Intuitive-01265677 – Intuitive-01265740 • Intuitive-01265742 – Intuitive-01265756 • Intuitive-01265759 – Intuitive-01265774 • Intuitive-01265776 – Intuitive-01265779 • Intuitive-01265781 – Intuitive-01265787 • Intuitive-01265789 • Intuitive-01265792 | <p>ECF No. 143-1 Wong Declaration in Support of Statement to Consider Sealing, ¶ 6</p> <p>ECF No. 143 Intuitive’s Statement in Support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 2-3, 5-6</p> | | GRANTED. Proprietary business and non-public financial information. |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <ul style="list-style-type: none"> • Intuitive-01265794 – Intuitive-01265809 | | | |
| <p>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)</p> <ul style="list-style-type: none"> • 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 | <p>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</p> <p>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</p> | | <p>Page 28, Figure 6 GRANTED. Proprietary business information.</p> <p>Page 37, Figure 9 Page 38, Figure 10 DENIED. Descriptions of surgical maneuvers are not proprietary.</p> <p>Page 84, Figure 20 Page 88, Figure 21 Page 89, redacted portions of ¶ 174 GRANTED. Proprietary business and product development information.</p> |

| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF 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)</p> <ul style="list-style-type: none"> • Pages 183-184, redacted portions. | <p>ECF No. 168-1 Declaration of Dr. Jaime Wong in Support of Intuitive Surgical, Inc.’s Statement in Support of Plaintiffs’ April 20, 2023 Administrative Motions to Consider Whether Another Party’s Materials Should Be Sealed (“Wong Dec.”), ¶ 4</p> <p>ECF No. 168 Intuitive’s Statement in Support of Plaintiffs’ April 20, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-3</p> | | GRANTED. Proprietary business information. |
| <p>ECF No. 125-2; 125-3 Bateman Ex. 1 ISO Plaintiffs’ Opposition to Intuitive’s Motion to Exclude Testimony of Einer Elhauge - Corrected Expert Report of Professor Einer Elhauge (January 10, 2023)</p> <ul style="list-style-type: none"> • Page 14, redacted fn. 55 | <p>ECF No. 168-1 Wong Decl. ¶ 4</p> <p>ECF No. 168 Intuitive’s Statement in Support of Plaintiffs’ April 20, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-3</p> <p>(See Dkt. 125-2; Dkt. 125-7 at 1.)</p> | | GRANTED. Proprietary business information. |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 143-12; 143-26 McCuaig Ex. 15 ISO of Plaintiffs’ Opposition to Intuitive’s Motion to Exclude Kimberly Trautman’s Testimony - Intuitive-02038766</p> <ul style="list-style-type: none"> • Pages Intuitive-02038767–68, redacted portions. | <p>ECF No. 168-1 Wong Decl. ¶ 4</p> <p>ECF No. 168 Intuitive’s Statement in Support of Plaintiffs’ April 20, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-3</p> <p>(See Dkt. 143-26; Dkt. 143-29 at 4–5)</p> | | <p>GRANTED. Proprietary business information.</p> |
| <p>ECF No. 143-11; 143-25 Spector Ex. 8 ISO Plaintiffs’ Opposition to Defendant’s Motion to Exclude Testimony of Dr. Eugene Rubach - Intuitive-00552716 – Intuitive-00552727, NFJ for IS4000 8mm Needle Drivers</p> <ul style="list-style-type: none"> • Pages Intuitive-00552723 – Intuitive-00552727, redacted portions. | <p>ECF No. 168-1 Wong Decl. ¶ 5</p> <p>ECF No. 168 Intuitive’s Statement in Support of Plaintiffs’ April 20, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-4</p> <p>(See Dkt. 143-25; Dkt. 143-29 at 4)</p> | | <p>GRANTED. Proprietary business and product development information.</p> |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 168-3 McCuaig Ex. 12 ISO of Plaintiffs’ Opposition to Intuitive’s Motion to Exclude Kimberly Trautman’s Testimony - Intuitive-00493612</p> <ul style="list-style-type: none"> • Page Intuitive-00493619, redacted portions. • Page Intuitive-00493623, redacted portion. • Page Intuitive-00493625, redacted portions. • Page Intuitive-00493630, redacted portions. • Page Intuitive-00493633, redacted portions. | <p>ECF No. 168-1 Wong Decl. ¶ 5</p> <p>ECF No. 168 Intuitive’s Statement in Support of Plaintiffs’ April 20, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-4</p> | | <p>GRANTED. Proprietary business information.</p> |
| <p>ECF No. 143-3; 143-17 McCuaig Ex. 9 ISO of Plaintiffs’ Opposition to Intuitive’s Motion to Exclude Kimberly Trautman’s Testimony - Intuitive-00067540 -SLSA</p> <ul style="list-style-type: none"> • Page Intuitive-00067547, redacted portion | <p>ECF No. 168-1 Wong Decl. ¶ 6</p> <p>ECF No. 168 Intuitive’s Statement in Support of Plaintiffs’ April 20, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-2, 4</p> <p>(See Dkt. 143-17; Dkt. 143-29 at 1)</p> | | <p>GRANTED. Proprietary business information.</p> |

| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 180-2 Spector Decl., Ex. 102 (Intuitive-02056740-Intuitive-02056761)</p> <p>Pages containing redacted information:</p> <ul style="list-style-type: none"> • Intuitive-02057644-Intuitive-02057646 • Intuitive-02057649 • Intuitive-02057651 | <p>ECF No. 180-1 Declaration of Dr. Jaime Wong in Support of Intuitive Surgical, Inc.’s Statement in Support of Plaintiffs’ May 4, 2023 Administrative Motions to Consider Whether Another Party’s Materials Should Be Sealed (“Wong Dec.”), Wong Dec. ¶ 6.</p> <p>ECF No. 180 Intuitive’s Statement in Support of Plaintiffs’ May 4, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-4</p> | | <p>GRANTED. Proprietary business and product development information.</p> |
| <p>ECF No. 180-3 Spector Decl., Ex. 123 (Intuitive-00493612-Intuitive-00493670)</p> <p>Pages containing redacted information:</p> <ul style="list-style-type: none"> • Intuitive-00493619 • Intuitive-00493623 • Intuitive-00493625 • Intuitive-00493630 • Intuitive-00493633 | <p>ECF No. 180-1 Wong Dec. ¶ 6</p> <p>ECF No. 180 Intuitive’s Statement in Support of Plaintiffs’ May 4, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-4</p> | | <p>GRANTED. Proprietary business and product development information.</p> |

| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 180-4 Spector Decl., Exhibit 130 – Restore Settlement (Intuitive-02072151 –Intuitive-02072157)</p> <ul style="list-style-type: none"> • Page Intuitive-02072153, redacted portions | <p>ECF No. 180-1 Wong Dec. ¶ 7</p> <p>ECF No. 180 Intuitive’s Statement in Support of Plaintiffs’ May 4, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-3, 4</p> | | GRANTED. Non-public financial information. |
| <p>ECF No. 180-5 Spector Decl., Exhibit 131 – Rebotix Settlement (Intuitive-02070399 –Intuitive-02070405)</p> <ul style="list-style-type: none"> • Pages Intuitive-2070401- Intuitive-02070402, redacted portions | <p>ECF No. 180-1 Wong Dec. ¶ 7</p> <p>ECF No. 180 Intuitive’s Statement in Support of Plaintiffs’ May 4, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-3, 4</p> | | GRANTED. Non-public financial information. |
| <p>ECF No. 180-6 Spector Decl., Exhibit 146 (Intuitive-00786911 – Intuitive-00786951)</p> <ul style="list-style-type: none"> • Page Intuitive-00786914, redacted portions. • Page Intuitive-00786919, redacted portions. • Page Intuitive-00786945, redacted portions. | <p>ECF No. 180-1 Wong Dec. ¶ 5</p> <p>ECF No. 180 Intuitive’s Statement in Support of Plaintiffs’ May 4, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-3</p> | | GRANTED. Proprietary business information. |

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| Documents or Portions Thereof that Intuitive Seeks to Maintain Under Seal | | | |
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| Document or Portion of Document Sought to be Sealed¹ | Evidence offered in Support of Sealing | Objections | Ruling |
| <p>ECF No. 180-7 Spector Decl., Exhibit 147 (Intuitive-00785382 – Intuitive-00785422)</p> <ul style="list-style-type: none"> • Page Intuitive-00785417 | <p>ECF No. 180-1 Wong Dec. ¶ 5</p> <p>ECF No. 180 Intuitive’s Statement in Support of Plaintiffs’ May 4, 2023 Administrative Motion to Consider Whether Another Party’s Materials Should be Sealed, pg. 1-3</p> | | <p>GRANTED. Proprietary business information.</p> |
| <p>ECF No. 186-2 Cahoy Supp. Declaration Ex. 90 (Intuitive-00506505 excerpts)</p> <ul style="list-style-type: none"> • Pages Intuitive-0506539–42, redacted portions • Pages Intuitive-0506593–94, redacted portions | <p>ECF No. 186-1 Declaration of Dr. Jaime Wong in Support of Intuitive Surgical, Inc.’s Administrative Motion to Seal Materials from its Summary Judgment Reply (“Wong Dec.”), Wong Dec. ¶ 4.</p> <p>ECF No. 186 Intuitive’s Administrative Motion to Seal Materials From its Summary Judgment Reply, pg. 1-2</p> | | <p>GRANTED. Cybersecurity development content.</p> |

IT IS SO ORDERED.

Dated: April 1, 2024


ARACELI MARTÍNEZ-OLGUÍN
United States District Judge