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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAMEDTRONIC VASCULAR, INC., *et al.*,

No. C-06-1066 PJH (EMC)

Plaintiffs,

v.

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
MOTION TO DE-DESIGNATE**ABBOTT CARDIOVASCULAR SYSTEMS,
INC., *et al.*,**(Docket Nos. 484, 523)**Defendants.

Medtronic has moved the Court for de-designation of certain documents produced by Abbott, identified by Bates label as AB0727117-122. Having considered the parties' briefs and accompanying submissions, as well as the oral argument of counsel, the Court hereby **GRANTS** in part and **DENIES** in part Medtronic's motion.

The motion is granted in part because Abbott has not shown that there is good cause to protect the documents in their entirety. The Court is not convinced that the documents in their entirety must be protected merely because they allegedly reflect Abbott's regulatory strategies. Moreover, some of the information in the documents has been publicly disclosed. *See* Franecki Decl., Ex. E (FDA website) (stating that there has been "[a]pproval for minor modifications to the w-crest portion of both multi-link vision stent systems as well as a non-linear link shift to the medium design multi-link vision coronary stent system").

However, the motion is denied in part because Abbott has established that it would suffer specific prejudice or harm should parts of the documents be disclosed. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003) ("A party asserting good cause bears the burden,

1 for each particular document it seeks to protect, of showing that specific prejudice or harm will
2 result if no protective order is granted.”). The Court shall allow the “highly confidential”
3 designation to remain as to, *e.g.*, specific measurements, tests that were conducted and the results of
4 those tests, and the reasons for the modifications.

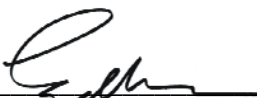
5 Accordingly, the Court orders that the documents at issue be de-designated subject to the
6 appropriate redactions as reflected in the documents attached hereto.

7 This order disposes of Docket Nos. 484 and 523.

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9 IT IS SO ORDERED.

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Dated: October 10, 2008


EDWARD M. CHEN
United States Magistrate Judge