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E-Filed 02/22/2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AQUA-LUNG AMERICA, INC.,
A Delaware Corporation,

Plaintiff,

vs.

AMERICAN UNDERWATER PRODUCTS,
INC., d/b/a OCEANIC, a California
Corporation,

and

TWO FORTY DEUCE CORPORATION, a
Colorado Corporation,

Defendants,

and Related Counterclaims.

Case No. C 07 2346 RS

~~PROPOSED~~ ORDER
GRANTING IN PART AND DENYING IN
PART MOTION TO SEAL, AS
MODIFIED BY THE COURT

Judge: Hon. Richard Seeborg

Before the Court is plaintiff's Administrative Motion to File Under Seal (Docket # 107)
Exhibits Designated as Confidential by Defendant Two Forty Deuce Corporation.

1 Having reviewed the materials lodged in connection with this motion, and the
2 supporting declaration filed by counsel for Two Forty Deuce, the Court finds that Exhibit 3(TF
3 00354-358) and Exhibit 12(TF 00474-475) contain information confidential and proprietary to
4 Two Forty Deuce Corporation, and that publication of such documents would cause harm to
5 Two Forty Deuce. Good cause therefore exists for filing such documents under seal.

6 The Court hereby finds that the Motion should be **GRANTED** and **ORDERS** that:

7 The documents previously lodged by Aqua-Lung America, Inc. as Exhibit 3(TF 00354-
8 358), and Exhibit 12(TF 00474-475), are hereby ordered to be filed under seal. *

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11 Dated: 02/22/2010



12 Hon. Richard Seeborg
13 United States District Court Judge

14 * **The Designating Party has waived confidentiality as to Exhibit 14 (TF**
15 **000544-000554). Therefore the motion to seal is denied as to this Exhibit.**

16 Pursuant to Civil Local Rule 79-5(e), the original set of Exhibits 3, 12, and 14
17 which plaintiff lodged with the Clerk of Court will be held for pickup in the
18 Clerk's office in San Jose for three days from the date of this order. The
19 chambers copies of Exhibits 3, 12, and 14 are currently in San Francisco and will
20 be held for pickup in the Clerk's office in San Francisco for three days from the
21 date of this order. If these copies are not retrieved within this time period, they
22 will be destroyed. Plaintiff may re-file Exhibit 14 in the public record and the
23 remaining Exhibits under seal in accordance with Rule 79-5.
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