

United States District Court
For the Northern District of California

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E-FILED 02-25-2011

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SYNTHES USA, LLC (f/k/a SYNTHES
(U.S.A.)); SYNTHES USA SALES, LLC; and
SYNTHES, INC.,

No. C09-01201 RMW (HRL)

**INTERIM ORDER RE PLAINTIFFS'
MOTION TO SEAL DOCUMENTS**

Plaintiffs,

v.

SPINAL KINETICS, INC.,

Defendant.

In connection with its motion to compel samples of the accused devices, plaintiffs move to seal certain documents on the ground that defendant claims that the subject information is confidential. (Docket No. 150). Defendant, however, failed to file declaration(s) establishing that the information is sealable. As such, the information is now subject to being made part of the public record pursuant to Civil Local Rule 79-5(d). Nevertheless, defendant will be given an additional opportunity to explain why sealing is required.

Accordingly, **no later than March 4, 2011**, defendant shall file declaration(s) from appropriate person(s) showing why sealing is warranted. Defendant is advised that the mere designation of information pursuant to a stipulation or blanket protective order will not justify sealing. Instead, defendant must establish that the subject documents (or portions of thereof) are privileged or protectable as a trade secret or otherwise entitled to protection under the law.

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Civ. L. R. 79-5(a). If defendant believes that the information is not sealable, it shall so confirm for the court.

SO ORDERED.

Dated: February 25, 2011



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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