

United States District Court
For the Northern District of California

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E-FILED on 05/02/2011

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.,

Plaintiffs,

v.

SPINAL KINETICS, INC.,

Defendant.

No. C-09-1201 RMW

ORDER DENYING SPINAL KINETIC,
INC.'S ADMINISTRATIVE MOTION TO
FILE UNDER SEAL: (1) ITS MOTION TO
DISMISS PLAINTIFFS SYNTHES, INC.
AND SYNTHES USA SALES, LLC FOR
LACK OF STANDING; AND (2) EXHIBITS
1-5 & 8 ATTACHED TO THE
DECLARATION OF ALLEN W. JANSEN IN
SUPPORT THEREOF

[Re Docket No. 193]

On April 14, 2011, Spinal Kinetics requested administrative leave to file its motion to dismiss for lack of standing and certain accompanying exhibits under seal pursuant to Civil Local Rules 7-11 and 79-5. Synthes has designated material cited therein as "Confidential-Attorneys' Eyes Only." However, Synthes has not filed a declaration establishing that the designated information is sealable as required by Civil Local Rule 79-5(d):


ORDER DENYING SPINAL KINETIC, INC.'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL: (1) ITS MOTION TO DISMISS PLAINTIFFS SYNTHES, INC. AND SYNTHES USA SALES, LLC FOR LACK OF STANDING; AND (2) EXHIBITS 1-5 & 8 ATTACHED TO THE DECLARATION OF ALLEN W. JANSEN IN SUPPORT THEREOF —No. C-09-1201 RMW
JLR

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Within 7 days [after the submitting party has filed the motion to seal], the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality. If the designating party does not file its responsive declaration as required by this subsection, the document or proposed filing will be made part of the public record.

Accordingly, Spinal Kinetic's request to file under seal is denied. Within four days from the date of this order, defendant shall file underacted versions of the subject documents in the public record. *See* Civil Local Rule 79-5(e).

DATED: 05/02/2011



RONALD M. WHYTE
United States District Judge