

1 any specific categories of documents. Even though a category of documents may often warrant
2 protection, specific documents with such a category may not be entitled to protection if, for example,
3 they have already been made public.

4 The proposed modification to Section 5.1 is unacceptable as drafted. However, it would be
5 acceptable if the parties include a procedure for the parties to cooperate in dedesignating any non-
6 confidential portions of specific documents before such documents are submitted to the court for
7 filing so that only the truly confidential portions subject to being filed under seal.

8 The proposed modification to Section 14.1 is unacceptable to the extent it allows the parties
9 to *alter* the provisions of the protective order without further order of the court. (The parties are
10 always free to waive the protections afforded in a stipulated protective order as to specific
11 documents.)

12 IT IS FURTHER ORDERED that the parties shall submit a revised form of order that
13 addresses the foregoing concerns.

14 IT IS FURTHER ORDERED that, pending entry of a final form of protective order, the
15 court's model "Stipulated Protective Order for Litigation Involving Patents, Highly Sensitive
16 Confidential Information And/or Trade Secrets," as modified herein, shall govern the handling of
17 confidential information in this case.

18 Dated: March 3, 2011

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20 PAUL S. GREWAL
United States Magistrate Judge

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