

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Kathleen M. Tafoya**

Civil Action No: 09-cv-00970-PAB-KMT  
Courtroom Deputy: Sabrina Grimm

Date: October 10, 2013  
FTR: Courtroom C-201

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Parties:

PREDATOR INTERNATIONAL, INC., a Colorado  
corporation,

Plaintiff,

v.

GAMO OUTDOOR USA, INC., a Florida corporation,

Defendant.

Counsel:

John Cogswell

Steve Fardy

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**COURTROOM MINUTES**

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**Motion Hearing**

**1:31 p.m. Court in session.**

Court calls case. Appearances of counsel.

The matter is before the Court on Plaintiff's Motion for Relief from Protective Order (Doc. 71) [318] and Plaintiff's Motion to Compel [404].

Discussion regarding Plaintiff's Supplement to the Motion for Relief [325]. Court notes the documents have never been sealed and therefore available on the public record for over 1 year.

Court advises counsel of procedure regarding filing restricted documents pursuant to Local Rule 7.1 and issues arising from putting a motion, such as one requesting sealing of documents, in a responsive document in violation of D.C.COLO.LCivR 7.1(c)

**ORDERED: Plaintiff's Motion for Relief from Protective Order (Doc. 71) [318] is GRANTED IN PART. Plaintiff's Supplement to Motion for Relief from Protective Order (Doc. 318) [325] will be henceforth held under Level 1 restriction and the attached documents shall be designated as "confidential"**

**instead of “attorney’s eyes only” but still subject to the parties’ Protective Order.**

Discussion regarding copyright infringement claim and the availability of only declaratory and injunctive relief and the CCPA claim related to copyright infringement where monetary damages may be available. Court finds for purposes of discovery, copyright infringement involved only Red Fire pellets. Court finds sales information informally requested by plaintiff with respect to Blue Flame and Glow Fire pellets to be wholly irrelevant.

Mr. Cogswell informs the Court that a state court trial is set to commence October 28, 2013 with respect to the patent ownership of the red tipped polymer Predator pellet.

**ORDERED: Plaintiff’s Motion to Compel Production [404] is DENIED. The Court does not find any grounds for the production of documents requested by Plaintiff as the requests were untimely, not formally made, irrelevant, and would create undue burden for the Defendant to produce.**

**2:25 p.m. Court in recess.**

Hearing concluded.

Total in-court time 00:54

\*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.