

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ARTHREX, INC.,

Plaintiff,

v.

Case No: 2:11-cv-694-FtM-29CM

PARCUS MEDICAL, LLC,

Defendant.

ORDER

Before the Court are Defendant's Unopposed Motion to Seal Defendant's Opposition to Plaintiff Arthrex's Motion In Limine Regarding Patent Issues Nos. 1 Through 9 (Doc. 329), filed on May 5, 2014; Parcus Medical, LLC's Unopposed Motion for Leave to File Under Seal Parcus Medical, LLC's Opposition to Arthrex's Motion *In Limine* to Exclude Evidence Regarding Certain Agreements, Opposition to Arthrex's Motion *In Limine* to Exclude Evidence Regarding Smith & Nephew Employees' Opinions Regarding Arthrex's C3 Agreements, Opposition to Arthrex's Motion *In Limine* to Exclude Hearsay Statements of Parcus's Customers or Potential Customers, and Opposition to Arthrex's Omnibus Motion *In Limine* Regarding Parcus's Counterclaim V (Doc. 331), filed on May 5, 2014; and Arthrex's Unopposed Motion to Seal Portions of Responses in Opposition to Parcus' Motions *In Limine* (Doc. 342), filed on May 6, 2014 (collectively, "Motions to Seal"). The parties seek leave to file the above documents under seal pursuant to the Confidentiality Agreement and

Joint Stipulated Protective Order. Doc. 329 at 1; Doc. 331 at 1, 2; Doc. 342 at 1. For the foregoing reasons, the Motions to Seal are due to be granted.

Local Rule 1.09, which governs motions seeking leave to file documents under seal, provides, in pertinent part:

Unless filing under seal is authorized by statute, rule, or order, a party seeking to file under seal any paper or other matter in any civil case shall file and serve a motion, the title of which includes the words 'Motion to Seal' and which includes (i) an identification and description of each item proposed for sealing; (ii) the reason that filing each item is necessary; (iii) the reason that sealing each item is necessary, (iv) the reason that a means other than sealing is unavailable or unsatisfactory to preserve the interest advanced by the movant in support of the seal; (v) a statement of the proposed duration of the seal; and (vi) a memorandum of legal authority supporting the seal. The movant shall not file or otherwise tender to the Clerk any item proposed for sealing unless the Court has granted the motion required by this section.

M.D.Fla. R. 1.09(a). Upon review of the Motions to Seal, each motion provides the information required by Local Rule 1.09(a).

The parties state that filing their respective responses is necessary to effectively support their motions *in limine* and that filing the responses under seal is necessary to protect proprietary and other information the parties have designated as confidential. Doc. 329 at 1-2; Doc. 331 at 2; Doc. 342 at 6-7. Moreover, the Court previously found good cause for the parties to file under seal the motions *in limine* to which the parties now seek leave to respond based upon the confidential and proprietary information contained in the motions *in limine*. See Doc. 303. For the same reasons, the Court again finds that allowing public access to the information the parties seek to file under seal could harm the parties' legitimate privacy and

proprietary interests, and there is no less restrictive method available to protect the information. Therefore, because they are unopposed and there exists good cause, the Motions to Seal will be granted and the parties permitted to file the documents under seal.

ACCORDINGLY, it is hereby

ORDERED:

1. Defendant's Unopposed Motion to Seal Defendant's Opposition to Plaintiff Arthrex's Motion In Limine Regarding Patent Issues Nos. 1 Through 9 (Doc. 329) is **GRANTED**.

2. Parcus Medical LLC's Unopposed Motion for Leave to File Under Seal Parcus Medical LLC's Opposition to Arthrex's Motion *In Limine* to Exclude Evidence Regarding Certain Agreements, Opposition to Arthrex's Motion *In Limine* to Exclude Evidence Regarding Smith & Nephew Employees' Opinions Regarding Arthrex's C3 Agreements, Opposition to Arthrex's Motion *In Limine* to Exclude Hearsay Statements of Parcus's Customers or Potential Customers, and Opposition to Arthrex's Omnibus Motion *In Limine* Regarding Parcus's Counterclaim V (Doc. 331) is **GRANTED**.

3. Arthrex's Unopposed Motion to Seal Portions of Responses in Opposition to Parcus' Motions *In Limine* (Doc. 342) is **GRANTED**.

4. The parties shall mail or hand-deliver the materials to be filed under seal to the Clerk of Court. The documents will remain under seal for the duration of this litigation, or until further order of the Court.

DONE and **ORDERED** in Fort Myers, Florida on this 7th day of May, 2014.


CAROL MIRANDO
United States Magistrate Judge

Copies:

Counsel of record