

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ARTHREX, INC.,

Plaintiff,

v.

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

PARCUS MEDICAL, LLC,

Defendant.

_____ /

ORDER

This matter comes before the Court on Parcus Medical's Reply Brief in Support of Motion to Compel Production of Arthrex C3 Contracts (Doc. #84) filed on August 31, 2012. On August 28, 2012, the Court granted Parcus' Motion to File Under Seal Unredacted Reply Brief in Support of Motion to Compel Production of Athrex C3 Contracts for Limited Purpose of *In Camera* Inspection and Judicial Determination of Whether Sealing is Appropriate. (Doc. #78).

Pursuant to the Court's Order, Parcus attached documents to its Sur-Reply in Opposition to Parcus' Motion to Compel Production of Documents Relating to Arthrex's C3 Program, along with Confidentiality Agreement and Joint Stipulated Protective Order. (Doc. #84). Both parties have signed and agreed to the Confidentiality Agreement and Joint Stipulated Protective Order. (Doc. #84-8). As to the documents requested, the Agreement provides:

4. As a further general guideline, information or materials designated as "Highly Confidential — Attorneys' Eyes Only" shall be those things of a proprietary business or technical nature that a producing party reasonably and in good faith believes derives economic value from not being readily ascertainable by others, is the subject of reasonable efforts by the producing party to maintain its secrecy, would be of value to a competitor or potential customer of the producing party or third party holding the proprietary rights thereto, and that should be protected from disclosure. Examples of such information or materials include without limitation: a producing party's trade secrets; confidential technical or business

information; technical practices, methods or other know-how; research and development (“R&D”); present or future R&D, business or marketing plans; product sales, revenues, costs, pricing or profits data or projections; financial data; business strategy; confidential agreements, relationships and/or communications with third parties, including but not limited to lenders, inventors, customers or distributor; or materials that a producing party is under a pre-existing obligation to a third party to treat as such.

(Doc. #84-8).

Under the proposed Joint Stipulated Protective Order (Doc. #84-8), the parties have agreed to file attachments related to their business plans, product sales, revenues, cost, pricing or profits data, and other information referenced above under seal. As such, the Court shall allow the attachments in the Defendant’s Reply Brief (Doc. #84) to be filed under seal. However, Defendant shall separately file the attachments contained in Defendant’s Reply Brief (Doc. #84) with this Court.

Accordingly, it is now **ORDERED**:

The Defendant, Parcus Medical’s Reply Brief in Support of Motion to Compel Production of Arthrex C3 Contracts (Doc. #84) is **GRANTED**. The Defendant may file its attachments to its Reply Brief (Doc. #84) under seal with this Court. The Defendant has up to and including Monday September 24, 2012, to file its sealed documents with the Court.

DONE and **ORDERED** in Fort Myers, Florida this 17th day of September, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record