

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Action No. 5:09-CV-23-BR

MORRIS & ASSOCIATES, INC.,)
a North Carolina Corporation,)
)
Plaintiff,)
)
v.)
)
COOLING & APPLIED TECHNOLOGY, INC.,)
an Arkansas Corporation,)
)
Defendant.)

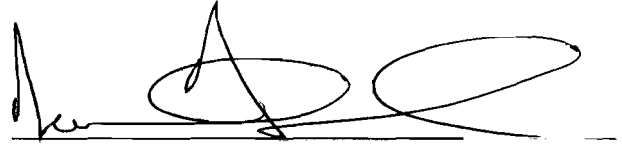
ORDER

This matter comes before the Court on Defendant’s Motion to Seal which asks this Court to seal (1) Exhibits B-1 through B-3 (Doc. Nos. 74-3 through 74-5; 77-3 through 77-5) to Plaintiff’s Memorandum in Support of Plaintiff’s Motion for Summary Judgment that U.S. Patent No. 7,470,173 is Valid (“Plaintiff’s Memorandum”) (Doc. Nos. 74, 77); and (2) Plaintiff’s Memorandum (Doc. Nos. 74, 77). Plaintiff consents to this Motion.

The Court finds that (1) Exhibits B-1 through B-3 (Doc. Nos. 74-3 through 74-5; 77-3 through 77-5) to Plaintiff’s Memorandum; and (2) Plaintiff’s Memorandum (Doc. Nos. 74, 77) contain business confidential information which may be harmful to third party, Perdue Farm, Inc., and to Defendant if revealed to the marketplace. This potential harm outweighs any public right to access and the alternatives to sealing are inadequate. For the reasons set forth in Defendant’s Motion and Memorandum in Support and pursuant to the Court’s Joint Protective Order (Doc. No. 24), the Court finds good cause to grant Defendant’s Motion to Seal with regard to (1)

Exhibits B-1 through B-3 (Doc. Nos. 74-3 through 74-5; 77-3 through 77-5); and (2) Plaintiff's Memorandum (Doc. Nos. 74, 77).

SO ORDERED, this 11th day of February, 2011.

A handwritten signature in black ink, consisting of a series of loops and a sharp peak, written over a horizontal line.

David W. Daniel
United States Magistrate Judge