

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-662-D

RADIADYNE, L.L.C.,)
)
 Plaintiff,)
)
 v.)
)
POLYZEN, INC.,)
)
 Defendant.)

ORDER

On September 27, 2016, RadiaDyne, L.L.C. (“RadiaDyne”) moved to compel Polyzen, Inc. (“Polyzen”) to refile under seal a filing Polyzen made on September 14, 2016, in Polyzen, Inc. v. Dielectrics, Inc., No. 3:15-cv-13200-MGM, pending in the United States District Court for the District of Massachusetts [D.E. 298]. The Massachusetts case involves Polyzen and RadiaDyne’s supplier, Dielectrics, and RadiaDyne seeks to ensure that the document no longer remains publicly available on PACER. See id. On October 14, 2016, Polyzen, Inc. (“Polyzen”) responded in opposition [D.E. 305].

The document that Polyzen filed in the Massachusetts case contains testimony that RadiaDyne’s John Isham gave in this action and that RadiaDyne timely designated as confidential under the protective order in this action [D.E. 40]. See [D.E. 298] 2–3. Moreover, the testimony appears to be confidential and competitively sensitive business information of RadiaDyne, and the protective order does not appear to permit Polyzen to disclose it to the public. See id.;[D.E. 40]. Although Polyzen denies violating the protective order, Polyzen has advised the court that it has refiled the document at issue under seal in the Massachusetts case. See [D.E. 305] 4–5.

In light of Polyzen's refiling the document under seal, RadiaDyne's motion to compel [D.E. 298] is DISMISSED as moot.

SO ORDERED. This 2 day of November 2016.



JAMES C. DEVER III
Chief United States District Judge