UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ACANTHA LLC,

Plaintiff,

v. Case No. 15-C-1257

DEPUY ORTHOPAEDICS INC., et al.,

Defendants.

ORDER

Before me now are seven motions to seal documents filed in conjunction with the parties' motions for partial summary judgment and Defendants' motion to exclude the opinions and testimony of James Malackowski. Where confidential information is non-dispositive, or where documents contain "trade secrets or other categories of bona fide long-term confidentiality," sealing may be appropriate. *Baxter Intern., Inc. v. Abbott Labs.*, 297 F.3d 544, 547 (7th Cir. 2002). For instance, "documents containing sensitive pricing information, sales figures, sales dollar amounts, profit and loss data, and other financial records not normally made known to the public may be properly filed under seal." *Formax Inc. v. Alkar-Rapidpak-MP Equip., Inc.*, No. 11-C-0298, 2013 WL 2452703, at *1 (E.D. Wis. June 5, 2013) (citations omitted). It may be necessary to maintain a document under seal where public disclosure of the information would effectively afford "other firms an unearned competitive advantage—unearned because the issue of public disclosure arises from the adventitious circumstances of the [document]'s having

become caught up in litigation and as a result having become filed in court." *SmithKline Beecham Corp. v. Pentech Pharm., Inc.*, 261 F. Supp. 2d 1002, 1008 (N.D. Ill. 2003).

The sealed exhibits and filings in this case reference confidential, non-public, proprietary, and competitive information regarding the parties' business operations and marketing strategies as well as the structure, testing, and operations of their products. This information is worthy of confidentiality under Federal Rule of Civil Procedure 26(c)(1)(G). The parties' motions to seal will therefore be granted.

IT IS THEREFORE ORDERED that Acantha's motions to restrict (ECF Nos. 166, 174, 186, 200) are **GRANTED**.

IT IS FURTHER ORDERED that Defendants' motions to restrict (ECF Nos. 150, 185, 203) are **GRANTED**.

IT IS FURTHER ORDERED that the documents referred to in these motions should be filed by the Clerk under seal.

Dated this 20th day of April, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court