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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
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12 OVERTURE SERVICES, INC.,  
13 Plaintiff and Counterdefendant,  
14 v.  
15 GOOGLE INC.,  
16 Defendant and Counterclaimant.  
17

Case No. C 02-01991 JSW (EDL)

**GOOGLE'S REQUEST TO FILE  
DOCUMENTS UNDER SEAL;  
[PROPOSED] ORDER**

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19 Google Inc. ("Google") hereby submits this Request to File Documents Under Seal in  
20 connection with its Responsive Claim Construction Brief. Google requests that the Court allow  
21 Google to file under seal an unredacted version of its Responsive Brief, and the Declaration of  
22 Christine P. Sun ("Sun Decl.") in support thereof.

23 The unredacted version of the Responsive Brief contains quotations from and summaries  
24 of deposition transcript excerpts and Overture Services Inc. ("Overture") sales and marketing  
25 presentations that Overture has designated as confidential.

26 The exhibits to the Sun Declaration contain excerpts from the transcripts of the  
27 depositions of John Rauch and Elaine K. Lee, and Overture sales and marketing presentations.  
28 Those materials have been designated confidential by Overture, and under the terms of the

1 protective order entered in this case on December 18, 2002, Google cannot file these materials  
2 publicly. *See* Protective Order ¶ 6.

3 The non-confidential exhibits to which Google cites in its Responsive Brief are attached  
4 to the Declaration of Ravind S. Grewal, which is being publicly filed. A redacted Responsive  
5 Brief, omitting reference to the exhibits to the Sun Declaration, is also being publicly filed.

6 In light of the foregoing, Google respectfully submits that this Request to File Documents  
7 Under Seal is narrowly tailored within the meaning of Civil Local Rule 79-5. Google therefore  
8 requests that the Court permit the sealing of the documents set forth above, and order that the  
9 Clerk of the Court maintain them in accordance with the provisions of Local Civil Rule 79-5(e).

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Dated: January 30, 2004

KEKER & VAN NEST, LLP

By:           /s/ Christine P. Sun            
CHRISTINE P. SUN  
Attorneys for Defendant and  
Counterclaimant GOOGLE INC.

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**[PROPOSED] ORDER**

Pursuant to Civil Local Rules 7-10 and 79-5, Google has applied to this Court for an order permitting them to file under seal certain documents in connection with its Responsive Claim Construction Brief.

GOOD CAUSE APPEARING, Google's request is granted. The Clerk is directed to maintain the following documents, submitted by Google on or about January 30, 2004, in accordance with the provisions of Civil Local Rule 79-5(e):

- (1) Google's Responsive Claim Construction Brief (Unredacted Version)
- (2) The Declaration Of Christine P. Sun in Support of Google's Responsive Claim Construction Brief.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. JEFFREY S. WHITE  
United States District Judge