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 GOOGLE INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 OVERTURE SERVICES, INC.,
 13 Plaintiff and Counterdefendant,
 14 v.
 15 GOOGLE INC.,
 16 Defendant and Counterclaimant.

Case No. C 02-01991 JSW (EDL)

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

Date: March 9, 2004
 Time: 9:00 a.m.
 Dept: E, 15th Floor
 Judge: Hon. Elizabeth D. Laporte

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1 Google Inc. ("Google") hereby submits this Request to File Documents Under Seal in
2 connection with its Opposition ("Opposition") to Overture's Motion to Compel Damages
3 Discovery, pursuant to Civil Local Rule 79-5 and the Honorable Elizabeth D. Laporte's Standing
4 Order on Confidential and Sealed Documents.

5 Google believes that good cause exists for filing these documents under seal for the
6 reasons set forth below.

7 **Google's Opposition**

8 Google requests that this brief be filed under seal as certain portions refer to declarations
9 that have been designated as Outside Counsel Only pursuant to the Protective Order entered in
10 this case on December 18, 2002 (the "Protective Order"). A redacted version of the brief,
11 suitable for filing in the public docket, is being filed herewith.

12 **Declaration of Pietro Dova In Support Of Google's Opposition**

13 This Declaration contains highly confidential information which Google believes in good
14 faith meets the standard of "Outside Counsel Only" information under the Protective Order.

15 **Declaration of Mark Fuchs In Support Of Google's Opposition**

16 This Declaration contains highly confidential information which Google believes in good
17 faith meets the standard of "Outside Counsel Only" information under the Protective Order.

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

22 Dated: February 17, 2004

KEKER & VAN NEST, LLP

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25 By: /s/ Christine P. Sun
26 CHRISTINE P. SUN
27 Attorneys for Defendant and
28 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 Opposition to Overture's Motion to Compel Production of Damages Documents.

GOOD CAUSE APPEARING, Google's request is granted. The Clerk is directed to maintain the following documents, submitted by Google on or about February 17, 2004, in accordance with the provisions of Civil Local Rule 79-5(e):

(1) GOOGLE INC.'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO OVERTURE'S MOTION TO COMPEL PRODUCTION OF DAMAGES DOCUMENTS (UNREDACTED VERSION)

(2) DECLARATION OF PIETRO DOVA IN SUPPORT OF GOOGLE'S OPPOSITION TO OVERTURE'S MOTION TO COMPEL PRODUCTION OF DAMAGES DOCUMENTS

(3) DECLARATION OF MARK FUCHS IN SUPPORT OF GOOGLE'S OPPOSITION TO OVERTURE'S MOTION TO COMPEL PRODUCTION OF DAMAGES DOCUMENTS

IT IS SO ORDERED.

Dated:

HON. ELIZABETH D. LAPORTE
United States Magistrate Judge