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

Tutorial: March 10, 2004, 2:00 p.m.
Hearing: March 24, 2004, 2:00 p.m.
Courtroom: 2, 17th Floor
Judge: Hon. Jeffrey S. White

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

23 The unredacted version of the Claim Construction Sur-Reply contains reference to a
 24 document that Overture has designated as confidential.

25 The exhibit to the Sun Declaration is, upon information and belief, an excerpt from an
 26 Overture marketing presentation. This document has been designated confidential by Overture,
 27 and under the terms of the protective order entered in this case on December 18, 2002, Google
 28 cannot file these materials publicly. *See* Protective Order ¶ 6.

1 A redacted Claim Construction Sur-Reply, omitting reference to the exhibit to the Sun
2 Declaration, is also being publicly filed.

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

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Dated: February 20, 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 Claim Construction Sur-Reply Brief.

GOOD CAUSE APPEARING, Google's request is granted. The Clerk is directed to maintain the following documents, submitted by Google on or about February 20, 2004, in accordance with the provisions of Civil Local Rule 79-5(e):

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

IT IS SO ORDERED.

Dated: _____

HON. JEFFREY S. WHITE
United States District Judge