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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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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 MISCELLANEOUS
 ADMINISTRATIVE REQUEST;
 [PROPOSED] ORDER**

[Local Civil Rule 7-10]

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1 Pursuant to Civil Local Rules 7-10(b) and 7-3(d), Google hereby seeks leave to file a
2 supplemental claim construction brief of no more than 2 pages to bring to the Court’s attention
3 claim construction evidence on the terms” database” and “search result list” that was produced
4 by Plaintiff Overture Services, Inc. (“Overture”) subsequent to the March 24, 2004 Markman
5 hearing. See Declaration of Christine P. Sun ISO Google’s Misc. Admin. Request, ¶ 2. The new
6 evidence consists of testimony from Overture witnesses taken in *Overture v. FindWhat*, which is
7 currently pending in the Central District of California.

8 Under Google’s proposal, which Overture has stipulated to, Overture would have 7 days
9 to file a brief of no more than 2 pages limited to responding to the arguments and evidence set
10 forth in Google’s supplemental brief. See Stipulation re: Supplemental Claim Construction
11 Briefing (filed May 11, 2004). Google has lodged with the Clerk of Court its proposed
12 supplemental brief (unredacted version). Google requests that the Court permit the filing of
13 Google’s brief and order the Clerk to place the brief in the file for this case (under seal), and that
14 the Court adopt the parties’ stipulated briefing schedule. Within the next court day of the
15 Court’s order granting Google’s request, Google would publicly file a redacted version of the
16 supplemental brief.

17 In addition, pursuant to Civil Local Rule 79-5, Google requests that the Court permit the
18 sealing of the documents set forth below:

- 19 1. Google Inc.’s Supplemental Claim Construction Brief (Unredacted Version)
- 20 2. Declaration of Ravind S. Grewal ISO Google Inc’s Miscellaneous Administrative
21 Request and exhibits thereto.

22 The above documents contain deposition testimony of Overture witnesses in *Overture v.*
23 *FindWhat* that has been designated by Plaintiff Overture as either “Confidential” or “Outside
24 Counsel Only.” Under the terms of the protective order entered in this case, Google cannot file
25 these materials publicly. In light of the foregoing, Google respectfully submits that its request to
26 file documents under seal is narrowly tailored within the meaning of Civil Local Rule 79-5.
27 Google therefore requests that the Court permit the sealing of the documents set forth above, and
28 order that the Clerk of the Court maintain them in accordance with the provisions of Civil Local

1 Rule 79-5(e).

2 For the reasons stated above, Google respectfully requests that the Court grant Google's
3 requests.

4 Dated: May 11, 2004

KEKER & VAN NEST, LLP

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By: /s/ Christine P. Sun

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CHRISTINE P. SUN
Attorneys for Defendant and
Counterclaimant GOOGLE INC.

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[PROPOSED] ORDER

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The Court has considered the May 11, 2004 miscellaneous administrative request by
11 Google Inc. ("Google") and the parties' stipulation re: supplemental claim construction briefing.

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Good cause appearing, the Court GRANTS Google's requests and orders the following:

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1) Google is granted leave to file its supplemental claim construction brief

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(unredacted version), as lodged with the Clerk of the Court on or about May 11, 2004. The

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Clerk is order to place Google's brief in the case file. Moreover, the Clerk is directed to

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maintain Google's supplemental brief and the Declaration of the Ravind S. Grewal ISO Google's

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Miscellaneous Administrative Request, also lodged on or about May 11, 2004, in accordance

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with the provisions of Civil Local Rule 79-5(e).

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2) Google shall publicly file a redacted version of Google's supplemental brief

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within the next Court day of this Order.

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3) Overture is permitted leave to file a brief of no more than 2 pages limited to

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responding to the arguments and evidence set forth in Google's supplemental brief within 7 days

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of this Order.

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IT IS SO ORDERED.

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Dated: May 11, 2004

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/s/ Jeffrey S. White
HON. JEFFREY S. WHITE
United States District Judge

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