

1 KEKER & VAN NEST, LLP
 JOHN W. KEKER - #49092
 2 DARALYN J. DURIE - #169825
 CHRISTINE P. SUN - #218701
 3 RAVIND S. GREWAL - #220543
 710 Sansome Street
 4 San Francisco, CA 94111-1704
 Telephone: (415) 391-5400
 5 Facsimile: (415) 397-7188

6 Attorneys for Defendant and Counterclaimant
 GOOGLE INC.
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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)

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

Date: August 3, 2004
 Time: 9:00 a.m.
 Courtroom: E, 15th Floor
 Judge: Hon. Elizabeth D. Laporte

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1 Google Inc. hereby submits this *Amended* Request to File Documents Under Seal in
2 connection with its Motion to Compel Production of Documents and Testimony Re: Prosecution
3 of the '361 Patent. By letter dated July 1, 2004, Overture Services, Inc. informed Google that it
4 would de-designate certain exhibits lodged on June 29, 2004 in support of Google's Motion.
5 This amendment thus narrows the scope of Google's June 29, 2004 request to file under seal.

6 Google requests that the Court allow Google to file under seal an *amended* unredacted
7 version of its Motion, and the *Amended* Declaration of Christine P. Sun ("Sun Declaration") in
8 support thereof.

9 **The Amended Declaration of Christine P. Sun and Exhibits thereto**

10 The exhibits to the Sun Declaration contain documents that appear to be Overture draft
11 business plans and internal reports that have been designated as confidential or outside counsel
12 only information by Overture. Under the terms of the protective order entered in this case on
13 December 16, 2002, Google cannot file these materials publicly. *See* Protective Order ¶ 6.

14 **The Motion to Compel Production of Documents and Testimony Re: Prosecution of**
15 **the '361 Patent (amended unredacted version)**

16 The *amended* unredacted version of the Motion to Compel Production of Documents and
17 Testimony Re: Prosecution of the '361 Patent contains quotations and references to the
18 confidential and outside counsel only exhibits to the Sun Declaration. Under the terms of the
19 protective order entered in this case on December 16, 2002, Google cannot file publicly
20 documents containing information designated as confidential or outside counsel only. *See*
21 Protective Order ¶ 6.

22 The non-confidential exhibits to which Google cites in its Motion are attached to the
23 Declaration of Ravind S. Grewal and the Supplemental Declaration of Ravind S. Grewal, which
24 are being publicly filed. An *amended* redacted Motion, omitting reference to the exhibits to the
25 Sun Declaration, is also being publicly filed.

26 In light of the foregoing, Google respectfully submits that this Request to File Documents
27 Under Seal is narrowly tailored within the meaning of Civil Local Rule 79-5. Google therefore
28 requests that the Court permit the sealing of the documents set forth above, and order that the

1 Clerk of the Court maintain them in accordance with the provisions of Local Civil Rule 79-5(e).

2 RESPECTFULLY SUBMITTED,

3 Dated: July 6, 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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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 Motion to Compel Production and Testimony Re: Prosecution of the '361 Patent.

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GOOD CAUSE APPEARING, Google's request is granted. The Clerk is directed to maintain the following documents, submitted by Google on or about July 6, 2004, in accordance with the provisions of Civil Local Rule 79-5(e):

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(1) Google's Notice of Motion and Motion to Compel Production of Documents and Testimony Re: Prosecution of the '361 Patent; Memorandum of Points and Authorities in Support Thereof (*Amended Unredacted Version*).

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(2) The *Amended Declaration Of Christine P. Sun* in Support of Google's Motion to Compel Production of Documents and Testimony Re: Prosecution of the '361 Patent, and exhibits thereto.

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IT IS SO ORDERED.

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Dated: _____

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HON. ELIZABETH D. LAPORTE
United States Magistrate Judge

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