

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

5 Attorneys for Defendant and Counterclaimant
 6 GOOGLE TECHNOLOGY INC., sued under its former name
 GOOGLE INC.
 7

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

12 OVERTURE SERVICES, INC., a Delaware
 corporation,
 13
 Plaintiff and Counterdefendant,
 14
 v.
 15
 GOOGLE INC., a California corporation,
 16
 Defendant and Counterclaimant.
 17

Case No. C 02-01991 JSW (EDL)

**GOOGLE’S REQUEST TO FILE
 DOCUMENTS UNDER SEAL;
 [PROPOSED] ORDER
 DISCOVERY MATTER**

18
 19 Google Technology Inc. (“Google”) hereby submits this Request to File Documents
 20 Under Seal in connection with its Opposition to Overture Services, Inc.’s (“Overture’s”) Motion
 21 for a Protective Order. Google requests that the Court allow Google to file under seal an
 22 unredacted version of its Opposition, and Volume 2 of the Declaration of Christine P. Sun in
 23 support thereof.

24 The unredacted version of the Opposition contains quotations from and summaries of the
 25 deposition transcript excerpts that Overture has designated confidential. A redacted version of
 26 the Opposition is being publicly filed.

27 Volume 2 of the Sun Declaration contains excerpts from the transcripts of the depositions
 28 of Darren Davis and John Rauch. Those materials have been designated confidential by

1 Overture, and under the terms of the protective order entered in this case on December 18, 2002,
 2 Google cannot file these materials publicly. See Protective Order ¶ 6.

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 and the Honorable
 5 Elizabeth D. Laporte’s Standing Order on Confidential and Sealed Documents. Google therefore
 6 requests that the Court permit the sealing of the documents set forth above, and order that the
 7 Clerk of the Court maintain them in accordance with the provisions of Local Civil Rule 79-5(e).

8
 9 Dated: August 11, 2003

KEKER & VAN NEST, LLP

11 By: /s/ Christine P. Sun

12 CHRISTINE P. SUN
 13 Attorneys for Defendant and
 14 Counterclaimant GOOGLE
 TECHNOLOGY INC., sued under its
 former name GOOGLE INC.

15 **[PROPOSED] ORDER**

16 Pursuant to Civil Local Rules 7-10 and 79-5, Google has applied to this Court for an
 17 order permitting them to file under seal certain documents in connection with their opposition to
 18 Overture’s motion for a protective order.

19 GOOD CAUSE APPEARING, Google’s request is granted. The Clerk is directed to
 20 maintain the unredacted versions of the following documents, submitted by Google on or about
 21 August 11, 2003, in accordance with the provisions of Civil Local Rule 79-5(e):

- 22 (1) Google’s Opposition to Overture’s Motion for Protective Order
- 23 (2) Volume 2 of the Declaration Of Christine P. Sun in Support of Google’s

24 Opposition to Overture’s Motion for Protective Order

25 IT IS SO ORDERED.

26
 27 Dated:

28 HON. ELIZABETH D. LAPORTE
 United States Magistrate Judge