

1 KEKER & VAN NEST, LLP
JOHN W. KEKER - #49092
2 DARALYN J. DURIE - #169825
MICHAEL S. KWUN - #198945
3 CHRISTINE P. SUN - #218701
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 TECHNOLOGY INC., sued under its former name
7 GOOGLE INC.

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

12 OVERTURE SERVICES, INC., a Delaware
13 corporation,

14 Plaintiff and Counterdefendant,

15 v.

16 GOOGLE INC., a California corporation,

17 Defendant and Counterclaimant.

Case No. C 02-01991 JSW (EDL)

**GOOGLE'S REQUEST TO FILE
DOCUMENTS UNDER SEAL; ORDER**

18
19 Google Technology Inc. ("Google") hereby submits this Request to File Documents
20 Under Seal in connection with its Responsive Claim Construction Brief. Google requests that
21 the Court allow Google to file under seal an unredacted version of its Responsive Brief, and the
22 Declaration of Christine P. Sun in support thereof.

23 The unredacted version of the Responsive Brief contains quotations from and summaries
24 of deposition transcript excerpts and Overture Services Inc. ("Overture") sales and marketing
25 presentations that Overture has designated as confidential.

26 The exhibits to the Sun Declaration contain excerpts from the transcripts of the
27 depositions of Darren Davis and John Rauch, and Overture sales and marketing presentations.
28

1 Those materials have been designated confidential by Overture, and under the terms of the
2 protective order entered in this case on December 18, 2002, Google cannot file these materials
3 publicly. *See* Protective Order ¶ 6.

4 The non-confidential exhibits to which Google cites in its Responsive Brief are attached
5 to the Declaration of Michael S. Kwun, which is being publicly filed. A redacted Responsive
6 Brief, omitting reference to the exhibits to the Sun Declaration, is also being publicly filed.

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

11
12 Dated: August 22, 2003

KEKER & VAN NEST, LLP

13
14
15 By: /s/ Michael S. Kwun
16 MICHAEL S. KWUN
17 Attorneys for Defendant and
18 Counterclaimant GOOGLE
19 TECHNOLOGY INC., sued under its
20 former name GOOGLE INC.
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 Responsive Claim Construction Brief.

GOOD CAUSE APPEARING, Google’s request is granted. The Clerk is directed to maintain the following documents, submitted by Google on or about August 22, 2003, in accordance with the provisions of Civil Local Rule 79-5(e):

- (1) Google’s Responsive Claim Construction Brief (Unredacted Version)
- (2) The Declaration of Christine P. Sun in Support of Google’s Responsive Claim Construction Brief.

IT IS SO ORDERED.

Dated: September 2, 2003

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