

1 Luther Orton (State Bar No. 54258)
 2 Jennifer L. Shoda (State Bar No. 194469)
 3 SNYDER, MILLER & ORTON LLP
 4 111 Sutter Street, Suite 1950
 5 San Francisco, California 94104
 Telephone: (415) 962-4400
 Facsimile: (415) 962-4401

6 Bruce J. Rose (admitted *pro hac vice*)
 7 S. Benjamin Pleune (admitted *pro hac vice*)
 8 ALSTON & BIRD, LLP
 9 101 South Tryon Street, Suite 4000
 10 Charlotte, North Carolina 28280-4000
 Telephone: (704) 444-1000
 Facsimile: (704) 444-1111

11 Attorneys for Defendants
 12 Homestore, Inc., The National Association
 of Realtors, and The National Association
 of Home Builders of the United States

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 KEVIN L. KEITHLEY and TREN
 17 TECHNOLOGIES HOLDING LLC,

18 Plaintiffs,

19 v.

20 HOMESTORE.COM, INC., et al.,

21 Defendants.

Case No. 3:03-CV-04447 SI (EDL)

**DEFENDANTS' ADMINISTRATIVE
 MOTION FOR FILING UNDER SEAL**

**SUPPORTING DECLARATION OF S.
 BENJAMIN PLEUNE**

[PROPOSED] ORDER

Courtroom: 10, 19th Floor
 Judge: Honorable Susan Illston

22
 23
 24
 25
 26
 27
 28

DEFENDANTS' ADMINISTRATIVE MOTION FOR FILING UNDER SEAL

1
2 1. Papers Submitted For Filing Under Seal In Their Entirety

3 Pursuant to Civil Local Rules 7-11 and 79-5(b), Defendant Move, Inc. (formerly
4 Homestore.com, Inc.) hereby requests leave of Court to file under seal in their entirety the
5 following documents being lodged with the Clerk:

- 6 • Exhibit 2 to the Declaration of Tracy Mahnken in Support of Defendants'
7 Motion for Summary Judgment as to Non-Infringement and Invalidity
8 Based on Indefiniteness; and
- 9 • Exhibits 2, 4, 6, 8, 9, and 11 to the Declaration of Luther Orton in Support
10 of Defendants' Motion for Summary Judgment as to Non-Infringement and
11 Invalidity Based on Indefiniteness.

12 Exhibit 2 to Ms. Mahnken's declaration has been designated as Highly Confidential—
13 Attorneys' Eyes Only by Defendants because it contains Homestore.com, Inc.'s highly sensitive,
14 confidential business information. Exhibits 2, 4, 6, 8, 9, and 11 to Mr. Orton's Declaration have
15 also been designated as Confidential for the same reasons.

16 As required by Civil Local Rule 79-5(b), Defendants are lodging with the Clerk copies of
17 said Declaration and exhibits.

18 Submitted this 3rd day of October, 2008.

19 LUTHER ORTON
20 SNYDER, MILLER & ORTON LLP

21 /s/ S. Benjamin Pleune _____

22 BRUCE J. ROSE

23 S. BENJAMIN PLEUNE

24 DOUGLAS R. WILNER

25 ALSTON & BIRD LLP

26 Bank of America Plaza

27 101 South Tryon Street, Suite 4000

28 Charlotte, North Carolina 28280-4000

ATTORNEYS FOR DEFENDANTS

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

SUPPORTING DECLARATION OF S. BENJAMIN PLEUNE

I, S. Benjamin Pleune, declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of North Carolina. I am an attorney in the law firm of Alston & Bird, LLP, counsel for Defendants Homestore.com, Inc., The National Association of Realtors, and The National Association of Home Builders of the United States (collectively “Defendants”). I have knowledge of all of the following facts and, if called as a witness, could and would competently testify thereto.

2. The representations made above in this Administrative Motion are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 3, 2008.

/s/ S. Benjamin Pleune
S. Benjamin Pleune

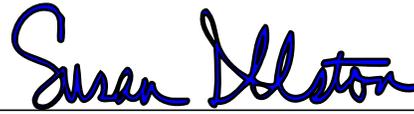
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Upon good cause shown, **IT IS HEREBY ORDERED** that Exhibit 2 to the Declaration of Tracy Mahnken in Support of Defendants’ Motion for Summary Judgment as to Non-Infringement and Invalidity Based on Indefiniteness and Exhibits 2, 4, 6, 8, 9, and 11 to the Declaration of Luther Orton in Support of Defendants’ Motion for Summary Judgment as to Non-Infringement and Invalidity Based on Indefiniteness be filed under seal by the Clerk.

IT IS SO ORDERED.

Dated: _____



Hon. Susan Illston
United States District Court Judge

CERTIFICATE OF SERVICE

1
2 The undersigned hereby certifies that a copy of the foregoing **Defendants'**
3 **Administrative Motion For Filing Under Seal; Supporting Declaration Of S. Benjamin**
4 **Pleune; [Proposed] Order** was served upon the following parties on October 3, 2008 by
5 electronic delivery:

6 Scott R. Mosko, Esq.
7 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
8 Stanford Research Park
9 3300 Hillview Avenue
10 Palo Alto, CA 94304-1203
11 *Scott.mosko@finnegan.com*

12 s/ S. Benjamin Pleune
13 S. Benjamin Pleune
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28