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

12 BE IN, INC., a New York Corporation, )  
 )  
 13 Plaintiff, )  
 )  
 14 v. )  
 )  
 15 GOOGLE INC., a California corporation; )  
 RICHARD ROBINSON, an individual, and Does )  
 16 1 through 3 inclusive, )  
 )  
 17 Defendants. )  
 )  
 18 )  
 )  
 19 )

Case No.: 5:12-cv-03373-LHK  
**STIPULATED ADMINISTRATIVE  
 MOTION TO FILE DOCUMENT  
 UNDER SEAL PURSUANT TO  
 LOCAL RULE 79-5**

Hearing Date: January 3, 2013  
 Hearing Time: 1:30 p.m.  
 Courtroom: 8, 4th Floor  
 Judge: Hon. Lucy H. Koh

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**MEMORANDUM OF POINTS AND AUTHORITIES AND STIPULATION**

Defendant Google Inc. and Plaintiff Be In, Inc. hereby request that the Court permit Google to file under seal one document that is attached to the Declaration of Charles T. Graves, which is filed in connection with Google’s Motion to Dismiss.

- **Graves Declaration, Exhibit B:** The document constitutes Plaintiff’s deposit made in support of its June 2012 application for a copyright registration with the United States Copyright Office. This document is Exhibit B to the Graves Declaration.

Google obtained the document from the United States Copyright Office in Washington, D.C. Google was able to obtain the document because it is a party to a litigation involving Plaintiff’s copyright application. The Copyright Office will release a copyright application deposit to a party to a litigation involving the application, but it does not generally release the deposit to third parties.

Civil Local Rule 79-5(d) authorizes the sealing of documents that contain the opposing party’s confidential information. Plaintiff Be In, Inc. asserts that the document contains confidential information that would cause it competitive harm if it were made public. Defendant Google Inc. takes no position regarding the content of Exhibit B but stipulates to filing the document under seal.

Pursuant to Civil Local Rule 7-11, the parties therefore stipulate that Exhibit B to the Graves Declaration should be sealed in its entirety, and respectfully request that the Court enter an order granting this stipulated sealing request.

Dated: September 4, 2012

/s/ Colleen Bal  
Colleen Bal  
Charles Tait Graves  
WILSON SONSINI GOODRICH & ROSATI

Attorneys for Defendants  
Google Inc. and Richard Robinson

1 Dated: September 4, 2012

/s/ Joseph E. Addiego III  
Joseph E. Addiego III  
DAVIS WRIGHT TREMAINE LLP  
William E. Wallace III (*pro hac vice application pending*)  
CLIFFORD CHANCE US LLP

Attorneys for Plaintiff  
Be In, Inc.

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Colleen Bal, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

/s/ Colleen Bal  
Colleen Bal