

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP  
 2 Claude M. Stern (Bar No. 96737)  
 3 Brian Cannon (Bar No. 193071)  
 4 Doug Colt (Bar No. 210915)  
 5 Andrea Pallios Roberts (Bar No. 228128)  
 6 claudestern@quinnemanuel.com  
 7 brianannon@quinnemanuel.com  
 8 dougcolt@quinnemanuel.com  
 9 andreaproberts@quinnemanuel.com  
 10 555 Twin Dolphin Drive, Suite 560  
 11 Redwood Shores, California 94065-2139  
 12 Telephone: (650) 801-5000  
 13 Facsimile: (650) 801-5100

14 Attorneys for Defendant Palm, Inc.

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 OAKLAND DIVISION

18 **CASE NO. C 06 7754 SBA**

19 HELIO LLC

20 Plaintiff,

21 vs.

22 PALM, INC.

23 Defendant.

**DECLARATION OF DOUG COLT IN  
 SUPPORT OF PALM'S  
 ADMINISTRATIVE MOTION  
 PURSUANT TO LOCAL RULE 79-5(B)  
 TO FILE UNDER SEAL DOCUMENTS  
 DESIGNATED ATTORNEYS' EYES  
 ONLY**

24 I, Doug Colt, declare as follows:

25 1. I am an attorney licensed to practice law in the State of California. I am an  
 26 associate with the law firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel of record  
 27 for defendant Palm, Inc. in this matter. I make this declaration in support of Palm's administrative  
 28 motion pursuant to Local Rule 79-5(b) to file under seal documents designated attorneys' eyes  
 only. I have personal knowledge of the facts stated herein and if called to testify could and would  
 competently testify thereto.

1           2.       The documents Palm asks to be filed under seal are Exhibits 1-5, 7-8, 11-13, 15-20,  
2 22-28 to the Declaration of Doug Colt and Exhibit A to the Declaration of Scott Hancock, filed in  
3 support of Palm's opposition to plaintiff's motion for a preliminary injunction.

4           3.       The documents at issue are: Exhibit 1 which is the transcript of the deposition of  
5 Julie Patterson; Exhibit 2 which the transcript of the deposition of Scott Hancock; Exhibit 3 which  
6 is the transcript of the deposition of Michael Zemetra; Exhibit 4 which is the transcript of the  
7 deposition of Jae Lee; Exhibit 5 which the transcript of the deposition of Jessica Weeks; Exhibit 7  
8 which is document marked E-HEL 1039-1041, an internal Helio email regarding consumer  
9 perception of its "Don't Call it Phone" campaign; Exhibit 8 which is a document marked E-HEL  
10 1534, an internal Helio email regarding consumer perception of its "Don't Call it Phone"  
11 campaign; Exhibit 11 which is a document marked E-HEL 414-415, a DJ script for Helio's "Don't  
12 Call it a Phone" campaign; Exhibit 12 which is a document marked E-HEL 14405, a script for a  
13 Helio radio advertisement; Exhibit 13 which is a document marked E-HEL 18832, a script for a  
14 Helio radio advertisement; Exhibit 15 which is a document marked E-HEL 9306, an internal Helio  
15 email regarding its "Don't Call it a Phone" campaign; Exhibit 16 which is a document marked E-  
16 HEL 633, a Helio marketing document; Exhibit 17 which is a document marked E-HEL 114, an  
17 internal Helio email regarding page views online; Exhibit 18 which is a document marked E-HEL  
18 1-11, a Helio advertising document; Exhibit A to the Declaration of Scott Hancock which is a  
19 copy of mock-ups prepared by AKQA in January 2005 for Palm, bearing the theme line "Not a  
20 Cell Phone. A Treo."; and Exhibit A to the Declaration of Julie Patterson which is an AKQA  
21 creative brief.

22           4.       The above items have been designated "Attorneys' Eyes Only" pursuant to the  
23 pending protective order.

24           5.       Palm has not taken a position on whether the materials designated "Attorneys' Eyes  
25 Only" by Helio constitute "sensitive confidential technical information", but because they have  
26 been so designated, and for the purpose of submitting Palm's opposition to plaintiff's motion for a  
27 preliminary injunction, Palm agreed to file these documents under seal for the purpose of its  
28 opposition to plaintiff's motion only.

