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 GOOGLE INC.

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 (OAKLAND DIVISION)

14
 15 GOOGLE INC.,

16 Plaintiff,

17 v.

18 NETLIST, INC.,

19 Defendant.

Case No. C 08-04144 SBA

**GOOGLE INC.'S ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL
 RESPONSIVE CLAIM CONSTRUCTION
 BRIEF AND EXHIBIT 2 TO
 DECLARATION OF DAVID J. MICLEAN
 IN SUPPORT THEREOF**

Date: November 12, 2009
 Time: 9:00 a.m.
 Place: Courtroom 3, 3rd Floor
 Judge: Hon. Sandra Brown Armstrong

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 23 AND RELATED COUNTERCLAIMS.
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1 Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiff and Counterdefendant Google Inc.
2 (“Google”) hereby requests that its Responsive Claim Construction Brief and Exhibit 2 to the
3 Declaration of David J. Miclean In Support Of Google Inc.’s Responsive Claim Construction
4 Brief, , be placed under seal. This request is based on this application, the Declaration of David J.
5 Miclean in support thereof, and such oral argument as the Court may entertain.

6 As required by Civil Local Rule 79-5, the following additional papers are also being
7 lodged with the Court: (1) redacted copies of said papers; (2) a Chamber’s copy of said papers in
8 which the sealable portions of the documents are identified by notations or highlighting within the
9 text.

10 A party may be permitted to file court documents under seal to protect confidential and
11 trade secret information. *See, e.g., Johnson Controls, Inc. v. Phoenix Control Sys., Inc.*, 886 F.2d
12 1173, 1176 (9th Cir. 1988) (discussing proper procedure to submit trade secrets under seal); *Henry*
13 *Hope X-Ray Prods., Inc. v. Marron Carrel, Inc.*, 674 F.2d 1336, 1343 (9th Cir. 1982). The brief
14 and exhibit identified above contain witness deposition testimony relating to the business of
15 Netlist and the technology at issue in the litigation and was designated by Defendant and
16 Counterclaimant Netlist, Inc. (“Netlist”) as Highly Confidential -- Attorneys’ Eyes Only pursuant
17 to the Protective Order entered in this action (Dkt. No. 25, April 27, 2009). *See* Declaration of
18 David J. Miclean in Support of Google Inc.’s Administrative Motion to File Under Seal. As such,
19 good cause exists to place Google’s Responsive Claim Construction Brief and Exhibit 2 to the
20 Declaration of David J. Miclean in support thereof under seal.

21 Accordingly, Google respectfully requests that the Court enter an order placing under seal
22 Google’s Responsive Claim Construction Brief and Exhibit 2 to the Declaration of David J.
23 Miclean in Support of Google Inc.’s Responsive Claim Construction Brief.

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Dated: August 25, 2009

FISH & RICHARDSON P.C.

By: /s/ David J. Miclean
David J. Miclean

Attorneys for Plaintiff
GOOGLE INC.