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 10 Google Inc.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 DIGITAL ENVOY, INC.,
 15 Plaintiff/Counterdefendant,
 16 v.
 17 GOOGLE INC.,
 18 Defendant/Counterclaimant.
 19

) CASE NO.: C 04 01497 RS
)
) **DEFENDANT AND**
) **COUNTERCLAIMANT GOOGLE**
) **INC.'S MISCELLANEOUS**
) **ADMINISTRATIVE REQUEST TO**
) **FILE DOCUMENTS UNDER SEAL**
) **PURSUANT TO LOCAL RULE 79-5**
)
) Judge: Hon. Richard Seeborg
) Courtroom: 4, 5th Floor
) Date: March 30, 2005
) Time: 9:30 a.m

1 Defendant and counterclaimant Google Inc. (“Google”) hereby requests that the Court
2 permit it to file under seal the confidential unredacted version of Google Inc.’s Motion for
3 Summary Judgment, and Exhibit D and Exhibit M to the Declaration of David H. Kramer in
4 Support of Google Inc.’s Motion for Summary Judgment (“Kramer Declaration”).

5 Plaintiff and counterdefendant Digital Envoy, Inc. (“Digital Envoy”) has identified the
6 documents attached as Exhibit D and Exhibit M to the Kramer Declaration as “Highly
7 Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order entered in this matter on
8 August 23, 2004. Exhibit D contains excerpts from the deposition testimony of Rob Friedman,
9 taken on November 17, 2004. Exhibit M is a document produced in this litigation by Digital
10 Envoy and is quoted in Google’s memorandum. A public memorandum with the designated
11 material redacted is also being filed. Without concurring in Digital Envoy’s view, in light of its
12 designations, Google requests an order permitting it to file Exhibit D, Exhibit M and an
13 unredacted copy of its brief under seal.

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Dated: February 23, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ David H. Kramer
David H. Kramer

Attorneys for Defendant / Counterclaimant
GOOGLE INC.