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 Google Inc.

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

12	DIGITAL ENVOY, INC.,	)	CASE NO.: C 04 01497 RS
)	
13	Plaintiff/Counterdefendant,	)	DECLARATION OF DAVID H.
		)	KRAMER IN SUPPORT OF
14	v.	)	GOOGLE INC.'S
		)	MISCELLANEOUS
15	GOOGLE INC.,	)	ADMINISTRATIVE REQUEST TO
		)	FILE DOCUMENTS UNDER SEAL,
16	Defendant/Counterclaimant.	)	PURSUANT LOCAL RULES 7-10(b)
		)	and 79-5
)	
17		)	Judge: Hon. Richard Seeborg
		)	Courtroom: 4, 5 th Floor
18		)	Date: March 30, 2005
		)	Time: 9:30 a.m.
19)	
20)	

1 I, David H. Kramer, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California and
3 before this Court. I am a partner of Wilson Sonsini Goodrich & Rosati, counsel for defendant
4 and counterclaimant Google Inc. (“Google”). I have personal knowledge of the facts set forth
5 herein and, if called as a witness, could and would testify competently thereto.

6 2. I submit this declaration in support of Google’s Miscellaneous Administrative
7 Request to File Under Seal, Pursuant to Local Rules 7-10(b) and 79-5, the Confidential version
8 of Google Inc.’s Reply in Support of Its Motion for Summary Judgment, and Exhibits P, Q, R
9 and S to the Supplemental Declaration of David H. Kramer In Support of Google Inc.’s Motion
10 for Summary Judgment (“Supplemental Kramer Declaration”).

11 3. The confidential unredacted version of Google Inc.’s Reply in Support of its
12 Motion for Summary Judgment contains an excerpt from a document produced in this litigation
13 by plaintiff and counterdefendant Digital Envoy, Inc. (“Digital Envoy”) and designated as
14 “Highly Confidential – Attorneys’ Eyes Only” under the terms of the Court’s August 23, 2004
15 Stipulation and Protective Order Regarding Confidentiality (“Protective Order”).

16 4. The documents attached as Exhibits P, R and S to the Supplemental Kramer
17 Declaration were produced in this litigation by plaintiff and counterdefendant Digital Envoy, Inc.
18 (“Digital Envoy”) and designated as “Confidential” and “Highly Confidential – Attorneys’ Eyes
19 Only” under the terms of the Court’s August 23, 2004 Stipulation and Protective Order
20 Regarding Confidentiality (“Protective Order”).

21 5. The document attached as Exhibit Q to the Supplemental Kramer Declaration was
22 produced by third party Advertising.com, Inc. in response to a subpoena issued by Google Inc.
23 and designated as “Highly Confidential – Attorneys’ Eyes Only” by Advertising.com pursuant to
24 the Protective Order.

25 6. Without concurring in Digital Envoy or Advertising.com’s views, in light of their
26 designations, Google requests an order permitting it to file an unredacted copy of its brief and
27 Exhibits P, Q, R and S under seal.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on March 16, 2005, at Palo Alto, California.

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4 /s/ David H. Kramer _____
5 David H. Kramer
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