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10 Attorneys for DIGITAL ENVOY, INC.

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

14 DIGITAL ENVOY, INC.,
 15 Plaintiff/Counter defendant,
 16 v.
 17 GOOGLE, INC.,
 18 Defendant/Counterclaimant.
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Case No. C 04 01497 RS

**DECLARATION OF BRIAN R.
 BLACKMAN IN SUPPORT OF DIGITAL
 ENVOY'S MISCELLANEOUS
 ADMINISTRATIVE REQUEST TO FILE
 UNDER SEAL, PURSUANT TO LOCAL
 RULE 7-10(b) AND 79-5, EXHIBIT M
 ATTACHED TO DIGITAL ENVOY'S
 SUPPLEMENTAL BRIEF IN SUPPORT
 OF DIGITAL ENVOY'S MOTION TO
 COMPEL**

1 I, Brian R. Blackman, declare:

2 1. I am an attorney licensed to practice before this Court and am associated with
3 Sheppard Mullin Richter & Hampton LLP, counsel of record for Digital Envoy, Inc. ("Digital
4 Envoy") in this matter. I make this declaration based on my personal knowledge, except where
5 noted otherwise, and would competently testify to these facts if called to do so.

6 2. I submit this declaration in support of Digital Envoy's Miscellaneous
7 Administrative Request to File Under Seal, Pursuant to Local Rules 7-10(b) and 79-5, Exhibit M
8 Attached to Digital Envoy's Supplemental Brief in Support of Digital Envoy's Motion to Compel.

9 3. Exhibit M attached to Digital Envoy's Supplemental Brief contains information
10 designated by defendant Google, Inc. as "Highly Confidential – Attorney's Eyes Only" under the
11 terms of the Court's August 23, 2004 Stipulation and Protective Order Regarding Confidentiality.
12 The documents attached as Exhibit M were produced by Google during discovery and were Bates
13 labeled GOOG 012016 – 012027. Without concurring in Google's view, in light of its
14 designation, Digital Envoy requests an order permitting it to file Exhibit M under seal.

15 I declare under the penalty of perjury that the above statements are true. Executed this 5th
16 day of July 2005 in San Francisco.

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18 /s/ Brian R. Blackman
19 BRIAN R. BLACKMAN

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