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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 7-11 AND 79-5, EXHIBITS K AND  
 L ATTACHED TO THE DECLARATION  
 OF SAM S. HAN IN SUPPORT OF  
 DIGITAL ENVOY'S MOTION FOR  
 PARTIAL SUMMARY JUDGMENT OF  
 CONTRACT ISSUES**

**Date: August 10, 2005  
 Time: 9:30 a.m.  
 Courtroom: 4, 5th Floor**

**The Honorable Richard Seeborg**

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 7-11 and 79-5, Exhibits K and  
8 L Attached to the Declaration of Sam S. Han In Support Of Digital Envoy's Motion for Partial  
9 Summary Judgment of Contract Issues ("Han Declaration").

10 3. Exhibits K and L attached to the Han Declaration contain information designated  
11 by defendant Google, Inc. as "Highly Confidential – Attorney's Eyes Only" under the terms of the  
12 Court's August 23, 2004 Stipulation and Protective Order Regarding Confidentiality. The  
13 document attached as Exhibit K is relevant portions of the June 23, 2005 deposition of Susan  
14 Wojcicki taken in this action. The document attached as Exhibit L are documents produced by  
15 Google during discovery used as exhibits to Ms. Wojcicki's deposition, bates labeled GOOG  
16 012016, 012017, 012019-012027. Without concurring in Google's view, in light of its  
17 designation, Digital Envoy requests an order permitting it to file Exhibits K and L under seal.

18 I declare under the penalty of perjury that the above statements are true. Executed this 6th  
19 day of July 2005 in San Francisco.

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21 /s/ Brian R. Blackman  
22 BRIAN R. BLACKMAN  
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