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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.

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, EXHIBIT B
 ATTACHED TO DECLARATION OF
 JOHN LOCKETT III IN SUPPORT OF
 DIGITAL ENVOY'S MOTION FOR
 LEAVE TO FILE ITS MOTION FOR
 RECONSIDERATION**

**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, Exhibit B
8 Attached to the Declaration of John Lockett III In Support Of Digital Envoy's Motion For Leave
9 To File Its Motion For Reconsideration ("Lockett Declaration").

10 3. Exhibit B attached to the Lockett Declaration contains information designated by
11 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 documents attached as Exhibit B were produced by Google during discovery and were Bates
14 labeled GOOG 009876-009877 and GOOG 009696-009698. Without concurring in Google's
15 view, in light of its designation, Digital Envoy requests an order permitting it to file Exhibit B
16 under seal.

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

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