

1 P. CRAIG CARDON, Cal. Bar No. 168646  
 BRIAN R. BLACKMAN, Cal. Bar No. 196996  
 2 KENDALL M. BURTON, Cal. Bar No. 228720  
 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
 3 Four Embarcadero Center, 17th Floor  
 San Francisco, California 94111-4106  
 4 Telephone: 415-434-9100  
 Facsimile: 415-434-3947  
 5

6 TIMOTHY H. KRATZ (Admitted *Pro Hac Vice*)  
 LUKE ANDERSON (Admitted *Pro Hac Vice*)  
 7 MCGUIRE WOODS, L.L.P  
 1170 Peachtree Street, N.E., Suite 2100  
 8 Atlanta, Georgia 30309  
 Telephone: 404.443.5500  
 9 Facsimile: 404.443.5751

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 A, B, C,  
 M AND N TO THE DECLARATION OF  
 ROBERT J. WADDELL AND PORTIONS  
 OF DIGITAL ENVOY'S OPPOSITION TO  
 GOOGLE'S MOTION FOR PARTIAL  
 SUMMARY JUDGMENT**

**Date: September 21, 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 A, B,  
8 C, M and N to the Declaration of Robert J. Waddell ("Waddell Declaration") and Portions of  
9 Digital Envoy's Opposition to Google's Motion for Partial Summary Judgment Re: Digital Envoy,  
10 Inc.'s Damages Claims ("Opposition").

11 3. Exhibits A, B, C, M and N to the Waddell Declaration contain information  
12 designated by defendant Google, Inc. as "Highly Confidential – Attorney's Eyes Only" under the  
13 terms of the Court's August 23, 2004 Stipulation and Protective Order Regarding Confidentiality.  
14 Exhibits A, B, C, M and N are referenced and discussed in detail in the Opposition. Without  
15 concurring in Google's view, in light of its designation, Digital Envoy requests an order permitting  
16 it to file Exhibits A, B, C, M and N to the Waddell Declaration and portions of the Opposition  
17 referencing those exhibits under seal.

18 I declare under the penalty of perjury that the above statements are true. Executed this 1st  
19 day of September 2005 in San Francisco.

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