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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, SUPPLEMENTAL
 BRIEF IN OPPOSITION TO GOOGLE'S
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT RE: DAMAGES CLAIMS
 AND DECLARATION OF ROBERT J.
 WADDELL IN SUPPORT THEREOF**

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, Supplemental
8 Brief In Opposition To Google's Motion For Partial Summary Judgment Re: Damages Claims And
9 Declaration Of Robert J. Waddell in support thereof.

10 3. Exhibits 1-8 to the Waddell Declaration contain 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. Exhibits 1-8
13 are also referenced and discussed in detail in Digital Envoy's Supplemental Brief in Opposition.
14 Without concurring in Google's view, in light of its designation, Digital Envoy requests an order
15 permitting it to file Supplemental Brief In Opposition To Google's Motion For Partial Summary
16 Judgment Re: Damages Claims and Declaration Of Robert J. Waddell in support thereof under
17 seal.

18 I declare under the penalty of perjury that the above statements are true. Executed this 5th
19 day of October 2005 in San Francisco.

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