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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, REPLY BRIEF AND
 SUPPLEMENTAL ROBERT J.
 WADDELL IN SUPPORT OF DIGITAL
 ENVOY'S MOTION TO COMPEL**

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, Reply Brief
8 And Supplemental Robert J. Waddell In Support Of Digital Envoy's Motion To Compel.

9 3. Exhibits B-C to the Waddell Declaration contain information designated by
10 defendant Google, Inc. as "Highly Confidential – Attorney's Eyes Only" under the terms of the
11 Court's August 23, 2004 Stipulation and Protective Order Regarding Confidentiality. Exhibits B is
12 referenced in Digital Envoy's Reply Brief. Without concurring in Google's view, in light of its
13 designation, Digital Envoy requests an order permitting it to file its Reply Brief and Supplemental
14 Declaration Of Robert J. Waddell In Support of Digital Envoy's Motion to Compel under seal.

15 I declare under the penalty of perjury that the above statements are true. Executed this 21st
16 day of November 2005 in San Francisco.

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

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