

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

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

9 Attorneys for DIGITAL ENVOY, INC.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 DIGITAL ENVOY, INC.,

Case No. C 04 01497 RS

14 Plaintiff/Counter defendant,

**DECLARATION OF BRIAN R.  
BLACKMAN IN SUPPORT OF DIGITAL  
ENVOY'S MISCELLANEOUS  
ADMINISTRATIVE REQUEST TO FILE  
UNDER SEAL THE DECLARATION OF  
ROBERT J. WADDELL IN SUPPORT OF  
DIGITAL ENVOY'S OPPOSITION TO  
GOOGLE'S MOTION FOR  
RECONSIDERATION**

15 v.

16 GOOGLE, INC.,

17 Defendant/Counterclaimant.

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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, The  
8 Declaration Of Robert J. Waddell In Support Of Digital Envoy's Motion For Reconsideration.

9 3. Exhibit A to the Waddell Declaration has been designated by defendant Google,  
10 Inc. ("Google") as "Highly Confidential—Attorney's Eyes Only" under the terms of the Court's  
11 August 23, 2004 Stipulation and Protective Order Regarding Confidentiality. Without concurring  
12 in Google's view, in light of its designation, Digital Envoy requests an order permitting it to file  
13 under seal the Waddell Declaration in support of Digital Envoy's Opposition to Google's Motion  
14 for Reconsideration.

15 I declare under the penalty of perjury that the above statements are true. Executed this 7th  
16 day of December 2005 in San Francisco, California.

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

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