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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,

15 v.

16 GOOGLE, INC.,

17 Defendant/Counterclaimant.

**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**

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.

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