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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 D. ANDERSON IN SUPPORT OF DIGITAL ENVOY'S MISCELLANEOUS ADMINISTRATIVE REQUEST TO FILE UNDER SEAL, PURSUANT TO LOCAL RULES 7-11 AND 79-5, THE DECLARATIONS OF ANDREW LINDER, ROBERT B. FRIEDMAN AND ROBERT J. WADDELL, AND ALL EXHIBITS THERETO, AND DIGITAL ENVOY'S MOTION FOR SUMMARY JUDGMENT**

**The Honorable Richard Seeborg**

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1 I, Brian D. Anderson, 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. in this matter.  
4 I make this declaration based on my personal knowledge, except where noted otherwise, and  
5 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 Declarations of Andrew Linder, Robert B. Friedman, and Robert J. Waddell, and all exhibits  
9 thereto, and Digital Envoy's Motion for Summary Judgment.

10 3. Each of these documents (and information contained in these documents) has been  
11 designated by defendant Google, Inc. as "Confidential" under the terms of the Court's August 23,  
12 2004 Stipulation and Protective Order Regarding Confidentiality. Without concurring in Google's  
13 view, in light of its designation, Digital Envoy requests an order permitting it to file under seal the  
14 Declarations of Andrew Linder, Robert B. Friedman, and Robert J. Waddell, and all exhibits  
15 thereto, and Digital Envoy's Motion for Summary Judgment.

16 I declare under penalty of perjury that the above statements are true and correct. Executed  
17 this 12th day of April 2006 in San Francisco, California.

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19 /s/ Brian D. Anderson  
20 BRIAN D. ANDERSON  
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