

January 11, 2005

VIA E-FILING

The Honorable Richard Seeborg
United States Magistrate Judge
United States District Court
280 South 1st Street
San Jose, CA 95113

Case 5:04-cv-01497-RS Document 57 Filed 01/11/2005 Page 1 of 1

Re: *Digital Envoy v. Google*
USDC, Northern District of California, Case No.: C-04-01497 RS

Your Honor:

I write to respond very briefly to Digital Envoy's "supplemental" letter brief in connection with Google's request for a modification of the Protective Order in the case. Unfortunately, Digital Envoy's recollection and/or characterization of the Case Management Conference is simply not correct. During the CMC, I was asked why Google believed Mr. Friedman was a "competitive decision maker." I responded, *inter alia*, that Mr. Friedman regularly meets with Google's chief competitors. I explained further that, as shown in Google's pending motion to amend its counterclaims, Mr. Friedman had improperly disclosed Google's information to those competitors in the course of his interactions with them. Your Honor then asked whether Google was requesting that Mr. Friedman be disqualified entirely from reviewing materials designated under the Protective Order. As I explained then, and as Google reiterated in its letter brief, Google is not seeking such a sweeping disqualification; rather, Google seeks only to prevent Mr. Friedman from accessing its most sensitive competitive information.

At this point, Google respectfully requests that the Court deem the issue submitted, and grant its request for a modification to the Protective Order.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

/s/ David H. Kramer

David H. Kramer
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Google Inc.