

1 DAVID T. BIDERMAN, Bar No. 101577
 JUDITH B. GITTERMAN, Bar No. 115661
 2 M. CHRISTOPHER JHANG, Bar No. 211463
PERKINS COIE LLP
 3 Four Embarcadero Center, Suite 2400
 San Francisco, CA 94111-4131
 4 Telephone: (415) 344-7000
 Facsimile: (415) 344-7050
 5 Email: DBiderman@perkinscoie.com
 Email: JGitterman@perkinscoie.com
 6 Email: CJhang@perkinscoie.com

7 Attorneys for Defendant Google Inc.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a
 INDUSTRIAL PRINTING, and HOWARD
 STERN, on behalf of themselves and all others
 similarly situated,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

CASE NO. C 05-03649 JW

**GOOGLE INC.'S NOTICE OF
 ADMINISTRATIVE MOTION AND
 MOTION FOR LEAVE TO FILE
 DOCUMENTS UNDER SEAL IN
 CONNECTION WITH GOOGLE INC.'S
 OPPOSITION TO PLAINTIFFS'
 SUPPLEMENTAL MEMORANDUM IN
 SUPPORT OF PARTIAL SUMMARY
 JUDGMENT**

Date: June 11, 2007
 Time: 9:00 a.m.
 Dept.: Courtroom 8
 Judge: Honorable James Ware

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NOTICE OF MOTION AND MOTION

TO PLAINTIFFS CLRB HANSON INDUSTRIES, LLC, d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 11, 2007, at 9:00 a.m., or at such later date and time as the Court may order, in Courtroom 8 of the United States District Court for the Northern District of California, San Jose Division, defendant Google Inc. ("Google") will move for an order sealing the following documents filed in connection with Google's Opposition to Plaintiffs' Supplemental Memorandum in Support of Partial Summary Judgment:

1. **GOOGLE INC.'S OPPOSITION TO PLAINTIFFS' SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PARTIAL SUMMARY JUDGMENT;**
2. **EXHIBITS A, B, C, F, G, TO THE SUPPLEMENTAL DECLARATION OF M. CHRISTOPHER JHANG IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO PLAINTIFFS' SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PARTIAL SUMMARY JUDGMENT.**

Dated: May 21, 2007

PERKINS COIE LLP

By: _____ /S/
M. Christopher Jhang
Attorneys for Defendant Google Inc.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 26(c) and Civil Local Rules 7-11 and 79-5, defendant Google Inc. (“Google”) makes this Miscellaneous Administrative Request for an Order allowing Google to file under seal documents filed in connection with Google’s Opposition to Plaintiffs’ Supplemental Memorandum in Support of Partial Summary Judgment.

Specifically, Google requests that the Court file the following documents under seal:

1. **GOOGLE INC.’S OPPOSITION TO PLAINTIFFS’ SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PARTIAL SUMMARY JUDGMENT;**
2. **EXHIBITS A, B, C, F, G, TO THE SUPPLEMENTAL DECLARATION OF M. CHRISTOPHER JHANG IN SUPPORT OF GOOGLE INC.’S OPPOSITION TO PLAINTIFFS’ SUPPLEMENTAL MEMORANDUM IN SUPPORT OF PARTIAL SUMMARY JUDGMENT.**

Good cause exists justifying the filing of the above pleadings and exhibits under seal because these pleadings and exhibits contain, discuss, or refer to Google’s trade secret and/or confidential, competitive, and business information. Google’s Opposition to Plaintiffs’ Supplemental Memorandum in Support of Partial Summary Judgment and Exhibits A, B, C, F, G, to the Supplemental Declaration of M. Christopher Jhang in Support of Google Inc.’s Opposition to Plaintiffs’ Supplemental Memorandum in Support of Partial Summary Judgment contain, discuss, or refer to specific trade secret and confidential competitive and business information of Google. Accordingly, Google could be irreparably harmed if such trade secret and confidential information is made available to the public.

II. ARGUMENT

A. Good Cause Exists to Protect Google’s Trade Secret and Confidential Business and Competitive Information.

Upon a showing of good cause, a court may make any order that justice requires to protect a party, including an order “that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a designated way.” Fed. R. Civ. P. 26(c)(7). In particular, a court may order that court documents be filed

1 under seal where such good cause is shown to override the public's right to access. *See San Jose*
2 *Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1103 (9th Cir. 1999). The factors relevant to
3 a determination of whether the presumption of access is overcome include "the public interest in
4 understanding the judicial process and whether disclosure of the material could result in
5 improper use of the material for . . . infringement upon trade secrets." *Hagestad v. Tragesser*, 49
6 F.3d 1430, 1433-34 (9th Cir. 1995) ("Every court has supervisory power over its own records and
7 files, and access has been denied where court files might have become a vehicle for improper
8 purposes.") (citations and quotations omitted).

9 Good cause exists for the Court to grant this Miscellaneous Administrative Request.
10 Google seeks to file under seal only the specific documents that it has designated confidential
11 because the documents contain, discuss, or refer to Google's trade secret and confidential
12 business and competitive information. *See* Declaration of M. Christopher Jhang In Support of
13 Google Inc.'s Motion For Leave to File Documents Under Seal In Connection With Google
14 Inc.'s Opposition to Plaintiffs' Supplemental Memorandum In Support of Partial Summary
15 Judgment, ¶¶ 2-8. If any of this trade secret or confidential information is not sealed and is
16 permitted to be in the public record, Google may suffer irreparable harm if competitors have
17 access to such information.

18 **B. The Request for Filing Under Seal is Narrowly Tailored.**

19 This Miscellaneous Administrative Request is narrowly tailored to cover only the
20 documents to be filed for which good cause for filing under seal exists.

21 **III. CONCLUSION**

22 For the reasons set forth above, good cause exists to file the above-referenced documents,
23 which contain, discuss, or refer to Google's trade secret and confidential business and
24 competitive information, under seal. This request is narrowly tailored to seal only trade secret
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1 and confidential information. Google respectfully requests that the Court grant its Miscellaneous
2 Administrative Request in the form of the [Proposed] Order filed herewith.

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Dated: May 21, 2007

PERKINS COIE LLP

By: _____ /S/
M. Christopher Jhang
Attorneys for Defendant Google Inc.