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**UNITED STATES DISTRICT COURT**

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**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

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

14 Plaintiffs,

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v.

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GOOGLE, INC.,

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Defendant.

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I, M. Christopher Jhang, hereby declare as follows:

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CASE NO. C O5-03649 JW

**DECLARATION OF M.  
 CHRISTOPHER JHANG IN SUPPORT  
 OF GOOGLE INC.'S 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

1 Motion for Leave to File Documents Under Seal In Connection With Google Inc.'s Opposition  
2 to Plaintiffs' Supplemental Memorandum In Support of Partial Summary Judgment. I have  
3 personal knowledge of the facts set forth below except as to those matters stated on information  
4 and belief, and as to those matters, I believe them to be true. If called upon to testify, I could and  
5 would testify competently as to the matters set forth herein.

6 **BASIS FOR SEALING OF GOOGLE'S CONFIDENTIAL INFORMATION**

7 2. On or about March 2, 2007, Google and plaintiffs CLRB Hanson Industries, LLC,  
8 d/b/a Industrial Printing, and Howard Stern ("Plaintiffs") executed and filed with the Court their  
9 [Proposed] Stipulated Protective Order Regarding Confidential Information. On May 15, 2007,  
10 the Court executed the parties Stipulated Protective Order (with amendments). A true and  
11 correct copy of the Court-executed Stipulated Protective Order is attached hereto as Exhibit A.

12 3. The Stipulated Protective Order provides two tiers of confidential designations.  
13 The first tier covers information designated "Confidential," which the Stipulated Protective  
14 Order generally describes as "those things that may be disclosed to the parties or their counsel  
15 for the purposes of the litigation, but which must be protected against disclosure to third parties."  
16 Stipulated Protective Order, ¶ 4. The second tier covers information designated "Confidential –  
17 Trade Secret/Attorneys' Eyes Only," which the protective order generally describes as "those  
18 information or materials which are of a proprietary, business or technical nature that might  
19 reasonably be of value to a competitor or potential customer of the party or nonparty holding the  
20 proprietary rights thereto or might reasonably pose a commercial disadvantage to the producing  
21 party and must be protected from disclosure." *Id.*

22 4. On April 26, 2007, I sent Plaintiffs' counsel, Lester Levy and Michele Raphael, a  
23 letter providing Google's tailored confidentiality designations for the deposition transcripts of  
24 Google employees Heather Wilburn, Shivakumar Venkataraman, and Michael Schulman. A true  
25 and correct copy of this letter is attached hereto as Exhibit B.

26 5. Google considers portions of Ms. Wilburn's deposition transcript to be  
27 "Confidential" because they discuss, describe, or refer to Google's internal training materials or  
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1 internal guidelines used by Google’s customer service representatives to respond to client  
2 inquiries. None of these materials are available to the public. Except for these “Confidential”  
3 portions, Ms. Wilburn’s transcript has been designated by Google as non-confidential.

4 6. Google considers Mr. Venkataraman’s deposition transcript to be “Confidential”  
5 in its entirety because Mr. Venkataraman is a Google software engineer who primarily discussed  
6 in his deposition Google’s internal processes and information not available to the public. Mr.  
7 Venkataraman discussed Google’s proprietary technology related to its AdWords program, the  
8 development of new technology, and the content of confidential documents Google produced to  
9 Plaintiffs. No portions of his transcript have been designated “Confidential – Trade  
10 Secret/Attorneys’ Eyes Only.”

11 7. Google considers most of Mr. Schulman’s deposition transcript to be  
12 “Confidential.” Mr. Schulman is a Google software engineer who primarily discussed in his  
13 deposition Google’s internal processes and information not available to the public. For example,  
14 Mr. Schulman discussed Google’s proprietary technology related to its AdWords program,  
15 including the computer programming of the system for serving ads, and the content of  
16 confidential documents Google produced to Plaintiffs. Google also considers a small portion of  
17 Mr. Schulman’s transcript to be “Confidential – Trade Secret/Attorneys’ Eyes Only” because  
18 this portion pertains to Google’s highly sensitive algorithms used for the AdWords program.

19 **GOOGLE’S ADMINISTRATIVE MOTION TO SEAL DOCUMENTS**

20 8. I have reviewed the following documents and determined that they contain,  
21 discuss, or refer to information or documents that Google considers to be confidential,  
22 proprietary, or trade secret information:

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

