

1 DAVID T. BIDERMAN, Bar No. 101577
 2 JUDITH B. GITTERMAN, Bar No. 115661
 3 M. CHRISTOPHER JHANG, Bar No. 211463
PERKINS COIE LLP
 4 Four Embarcadero Center, Suite 2400
 San Francisco, CA 94111-4131
 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.

8

9

UNITED STATES DISTRICT COURT

10

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

11

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,

15

v.

16

GOOGLE, INC.,

17

Defendant.

18

19

20

21

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 REPLY TO
PLAINTIFFS' SUPPLEMENTAL
OPPOSITION TO GOOGLE INC.'S
MOTION FOR SUMMARY
JUDGMENT**

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

22

23

24

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

25

26

27

28

1. I am an attorney duly licensed to practice law in all of the courts of the State of California and this Court, and am an attorney with the law firm of Perkins Coie LLP, counsel for defendant Google Inc. ("Google") in this action. I submit this declaration in support of Google's

1 Motion for Leave to File Documents Under Seal In Connection With Google's Reply to
2 Plaintiffs' Supplemental Opposition to Google's Motion for 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
28

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 REPLY TO PLAINTIFFS' SUPPLEMENTAL**
24 **OPPOSITION TO GOOGLE INC.'S MOTION FOR SUMMARY**
25 **JUDGMENT;**
- 26 2. **EXHIBITS A – C OF THE SUPPLEMENTAL DECLARATION OF M.**
27 **CHRISTOPHER JHANG IN SUPPORT OF GOOGLE INC.'S REPLY TO**
28 **PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO GOOGLE INC.'S**
MOTION FOR SUMMARY JUDGMENT.

