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9 Attorneys for Defendant
 10 VEOH NETWORKS, INC.

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN JOSE DIVISION**

14 IO GROUP, INC.

15 Plaintiff,

16 vs.

17 VEOH NETWORKS, INC.

18 Defendant.

Case No. C 06-3926 HRL

**STIPULATED MOTION TO FILE PAPERS
 UNDER SEAL**

19
 20 Pursuant to Local Civil Rules 79-5, 7-11 and 7-12, Defendant Veoh Networks, Inc. ("Veoh")
 21 submits this stipulated motion to have the parties' *Joint Stipulation Regarding Responses To*
 22 *Plaintiff's Document Requests And Maintenance Of Electronic Data* ("Joint Stipulation") filed under
 23 seal. Supporting this stipulation is the declaration of Dr. Ted Dunning, Veoh's Chief Scientist,
 24 attached hereto as Exhibit A.

25 Local Civil Rule 79-5 specifically permits this Court to seal documents. *See, e.g., Stafford v.*
 26 *SSA*, 437 F. Supp. 2d 1113, 1124 (N.D. Cal. 2006) (granting motion pursuant to the rule to file
 27 documents under seal). The rule reflects the policy that the right to inspect and copy judicial records
 28

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1 is not absolute. *See Hagestad v. Tragesser*, 49 F. 3d 1430, 1433-34 (9th Cir. 1995) (citing *Nixon v.*
2 *Warner Communications, Inc.*, 435 U.S. 589, 597 (1978)). "Every court has supervisory power over
3 its own records and files, and access has been denied where court files might have become a vehicle
4 for improper purposes." *Id.* Federal Rules of Civil Procedure 26(c) provides, that for good cause
5 shown, a court "may make any order which justice requires to protect a party or person from
6 annoyance, embarrassment, oppression, undue burden or expense." Specifically, the court has the
7 authority to withhold information from the public so "that a trade secret or other confidential
8 research, development, or commercial information not be revealed or be revealed only in a
9 designated way." Fed. R. Civ. P. 26(c)(7).

10 The parties' Joint Stipulation discloses confidential information about Veoh's business that, if
11 public, would provide competitors information that they currently do not possess, and may cause
12 harm to Veoh and its competitive position. Specifically, the Joint Stipulation discloses confidential
13 information concerning Veoh's data maintenance practices, including which video files and
14 associated data Veoh does and does not maintain as part of its service. *See Dunning Decl.* ¶ 3.

15 Due to the harm that would befall Veoh from public access to the Joint Stipulation, Veoh
16 requests that the Joint Stipulation be filed under seal.

17 Dated: April 2⁵, 2007

WINSTON & STRAWN, LLP

18 By: 

19 Michael S. Elkin
20 Jennifer A. Golinveaux
21 Matthew A. Scherb
Attorneys for Defendant
VEOH NETWORKS, INC.

22 Plaintiff Io Group, Inc. does not oppose Veoh's request to have the parties' Joint Stipulation
23 filed under seal.

24 Dated: April 24, 2007

LAW FIRM OF GILL SPERLEIN

25 By: 

26 Gill Sperlein
27 Attorney for Plaintiff
IO GROUP, INC.

EXHIBIT A

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15 Plaintiff,

16 vs.

17 VEOH NETWORKS, INC.

18 Defendant.

Case No. C 06-3926 HRL

**DECLARATION OF TED DUNNING IN
SUPPORT OF DEFENDANT'S
STIPULATED MOTION TO SEAL**

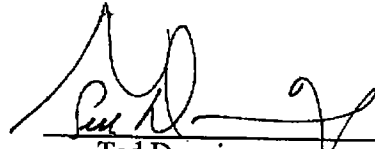
19
20 I, Ted Dunning, declare as follows:

21 1. I am employed as Chief Scientist for Defendant Veoh Networks, Inc.
22 ("Veoh"), and have been so employed by Veoh since its inception. My responsibilities at Veoh
23 include responsibility for the development and management of Veoh's technology projects. I have
24 personal knowledge of all facts stated in this declaration

25 2. I have read Veoh's *Joint Stipulation Regarding Responses To Plaintiff's*
26 *Document Requests And Maintenance Of Electronic Data* ("Joint Stipulation").
27
28

1 3. The Joint Stipulation discloses confidential information about Veoh's business
2 that, if public, would provide competitors information that they currently do not possess, and may
3 cause harm to Veoh and its competitive position. Specifically, the Joint Stipulation discloses
4 confidential information concerning Veoh's data maintenance practices, including which video files
5 and associated data Veoh does and does not maintain as part of its service.
6

7 I declare under penalty of perjury that the foregoing is true and correct. Executed on April 24, 2007
8 at San Diego, California.
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11 
12 _____
13 Ted Dunning
14 Chief Scientist, Veoh Networks, Inc.
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