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12 Attorneys for GOOGLE INC.

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14 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 GOOGLE INC., AOL LLC, YAHOO! INC.,
 IAC SEARCH & MEDIA, INC., and
 17 LYCOS, INC.,

18 Plaintiffs,

19 v.

20 L. DANIEL EGGER,
 SOFTWARE RIGHTS ARCHIVE, LLC, and
 21 SITE TECHNOLOGIES, INC.,

22 Defendants.

Case No. CV 08-03172-RMW

**PLAINTIFFS GOOGLE INC., AOL LLC,
 IAC SEARCH & MEDIA, INC., AND
 LYCOS, INC.'S ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL
 PLAINTIFFS GOOGLE INC., AOL LLC,
 IAC SEARCH & MEDIA, INC., AND
 LYCOS, INC.'S OPPOSITION TO
 DEFENDANTS' MOTION TO DISMISS,
 TRANSFER, OR STAY UNDER THE
 FIRST-TO-FILE RULE, UNDER RULE
 12(B)(2) FOR LACK OF PERSONAL
 JURISDICTION, AND UNDER RULE
 12(B)(1) FOR LACK OF SUBJECT
 MATTER JURISDICTION AND
 CERTAIN EXHIBITS TO
 DECLARATIONS IN SUPPORT
 THEREOF**

26 Hearing Date: August 21, 2009
 27 Hearing Time: 9:00 am
 Courtroom: 6 (4th Floor)
 Judge: Hon. Ronald M. Whyte
 28

1 Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiffs Google Inc., AOL LLC, IAC
2 Search & Media, Inc., and Lycos, Inc. hereby request that the following papers filed on July 24,
3 2009 be placed under seal: (i) Plaintiffs Google Inc., AOL LLC, IAC Search & Media, Inc., and
4 Lycos, Inc.'s Opposition to Defendants' Motion to Dismiss, Transfer, or Stay Under the First-To-
5 File Rule, Under Rule 12(b)(2) For Lack of Personal Jurisdiction, and Under Rule 12(b)(1) For
6 Lack of Subject Matter Jurisdiction ("Opposition to Motion to Dismiss"); (ii) Exhibits B, D, K, O,
7 R, S, T, U, V, BB, CC, DD, EE, FF, HH, KK, LL and PP to the First Declaration of Thomas B.
8 Walsh, IV; and (iii) Exhibits C, E, F, I, J, K, L and M to the Second Declaration of Thomas B.
9 Walsh, IV.

10 A party may be permitted to file court documents under seal to protect confidential and
11 trade secret information. *See, e.g., Johnson Controls, Inc. v. Phoenix Control Sys., Inc.*, 886 F.2d
12 1173, 1176 (9th Cir. 1988) (discussing proper procedure to submit trade secrets under seal); *Henry*
13 *Hope X-Ray Prods., Inc. v. Marron Carrel, Inc.*, 674 F.2d 1336, 1343 (9th Cir. 1982). The brief
14 and exhibits identified above: (i) relate to or contain information considered to be confidential by
15 at least one of the parties to this action and/or by a third party from whom discovery was sought;
16 (ii) relate to or contain information exchanged during the course of discovery in this matter and/or
17 the related action pending in the Eastern District of Texas, *Software Rights Archive, LLC v.*
18 *Google Inc., et al.*, Case No. 07-CV-511 (the "Texas Action"), and were designated by the
19 producing party as "Confidential" or "Confidential Attorneys' Eyes Only" pursuant to the
20 Protective Order filed in the Texas Action (Dkt. No. 99-2, November 4, 2008) and agreed to by
21 the parties;¹ and/or (iii) were filed under seal by a party in the Texas Action. (*See Declaration of*
22 *Thomas B. Walsh, IV in Support of Plaintiff Google, Inc., AOL LLC, IAC Search & Media, Inc.,*
23 *and Lycos, Inc.'s Administrative Motion to File Under Seal*).

24
25 ¹ The Agreed Protective Order (Dkt. No. 99-2) filed by all parties in the Texas Action on
26 November 4, 2008 has not yet been entered by the Court because there is one dispute among the
27 parties that the Court has been asked to resolve, but this one dispute does not concern the authority
28 to file documents containing protected information under seal or to designate documents as
"Confidential" or "Confidential Attorneys' Eyes Only" pursuant to that Protective Order.

1 Accordingly, Plaintiffs respectfully request that the Court enter an order placing under
2 seal: (i) Opposition to Motion to Dismiss; (ii) Exhibits B, D, K, O, R, S, T, U, V, BB, CC, DD,
3 EE, FF, HH, KK, LL, and PP to the First Declaration of Thomas B. Walsh, IV; and (iii) Exhibits
4 C, E, F, I, J, K, L and M to the Second Declaration of Thomas B. Walsh, IV.

5
6 Dated: July 24, 2009

FISH & RICHARDSON P.C.

7
8 By: /s/ Thomas B. Walsh, IV
9 Thomas B. Walsh, IV

10 Attorneys for Plaintiffs GOOGLE INC. and
11 AOL, LLC

12 Additional counsel

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23 and LYCOS, INC.
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DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from counsel for Plaintiffs IAC Search & Media, Inc. and Lycos, Inc.

Dated: July 24, 2009

/s/ Thomas B. Walsh, IV
Thomas B. Walsh, IV

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