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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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

Plaintiffs,

v.

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

Defendants.

CASE NO. CV 08-03172-RMW

**[PROPOSED] ORDER GRANTING
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**

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

1 Plaintiffs Google Inc., AOL LLC, IAC Search & Media, Inc., and Lycos, Inc. have
2 submitted an administrative request to seal (i) Plaintiff Google Inc., AOL LLC, IAC Search &
3 Media, Inc., and Lycos, Inc.’s Opposition to Defendants’ Motion to Dismiss, Transfer, or Stay
4 Under the First-To-File Rule, Under Rule 12(b)(2) For Lack of Personal Jurisdiction, and Under
5 Rule 12(b)(1) For Lack of Subject Matter Jurisdiction; (ii) Exhibits B, D, K, O, R, S, T, U, V, BB,
6 CC, DD, EE, FF, HH, KK, LL, and PP to the First Declaration of Thomas B. Walsh, IV; and (iii)
7 Exhibits C, E, F, I, J, K, L and M to the Second Declaration of Thomas B. Walsh, IV.

8 The request is made on the basis that the documents sought to be sealed (i) relate to or
9 contain information considered to be confidential by at least one of the parties to this action and/or
10 by a third party from whom discovery was sought; (ii) relate to or contain information exchanged
11 during the course of discovery in this matter and/or the related action pending in the Eastern
12 District of Texas, *Software Rights Archive, LLC v. Google Inc., et al.*, Case No. 07-CV-511 (the
13 “Texas Action”), and were designated by the producing party as “Confidential” or “Confidential
14 Attorneys’ Eyes Only” pursuant to the Protective Order filed in the Texas Action (Dkt. No. 99-2,
15 November 4, 2008) and agreed to by the parties;¹ and/or (iii) were filed under seal by a party in the
16 Texas Action.

17 Good cause appearing, the Court orders that the following documents be filed under seal:
18 (i) Plaintiffs Google Inc., AOL LLC, IAC Search & Media, Inc., and Lycos, Inc.’s Opposition to
19 Defendants’ Motion to Dismiss, Transfer, or Stay Under the First-To-File Rule, Under Rule
20 12(b)(2) For Lack of Personal Jurisdiction, and Under Rule 12(b)(1) For Lack of Subject Matter
21 Jurisdiction; (ii) Exhibits B, D, K, O, R, S, T, U, V, BB, CC, DD, EE, FF, HH, KK, LL and PP to
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24 ¹ The Agreed Protective Order (Dkt. No. 99-2) filed by all parties in the Texas Action on
25 November 4, 2008 has not yet been entered by the Court because there is one dispute among the
26 parties that the Court has been asked to resolve, but this one dispute does not concern the authority
27 to file documents containing protected information under seal or to designate documents as
28 “Confidential” or “Confidential Attorneys’ Eyes Only” pursuant to that Protective Order.

1 the First Declaration of Thomas B. Walsh, IV; and (iii) Exhibits C, E, F, I, J, K, L and M to the
2 Second Declaration of Thomas B. Walsh, IV.

3 IT IS SO ORDERED.

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5 Dated: _____, 2009

Hon. Ronald Whyte
UNITED STATES DISTRICT JUDGE

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