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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

**DECLARATION OF THOMAS B. WALSH, IV IN SUPPORT OF 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

DECL. IN SUPPORT OF PLAINTIFFS GOOGLE INC., AOL LLC, IAC  
 SEARCH & MEDIA, INC., AND LYCOS, INC.'S MOT TO SEAL  
 CASE NO. C-08-03172-RMW

1 I, Thomas B. Walsh, IV, declare as follows:

2 1. I am an attorney admitted to practice in the State of Texas and I am a principal in  
3 the law firm of Fish & Richardson P.C. I represent Plaintiffs Google Inc. and AOL LLC in this  
4 action and have been admitted *pro hac vice* in this action. I have personal firsthand knowledge of  
5 the matters set forth in this Declaration, and if called as a witness I would testify competently to  
6 those matters.

7 2. Plaintiffs Google Inc., AOL, LLC, IAC Search & Media, Inc., and Lycos, Inc.'s  
8 Opposition to Defendants' Motion to Dismiss, Transfer, or Stay Under the First-To-File Rule,  
9 Under Rule 12(b)(2) For Lack of Personal Jurisdiction, and Under Rule 12(b)(1) For Lack of  
10 Subject Matter Jurisdiction, Exhibits B, D, K, O, R, S, T, U, V, BB, CC, DD, EE, FF, HH, KK, LL  
11 and PP to the First Declaration of Thomas B. Walsh, IV, and Exhibits C, E, F, I, J, K, L and M to  
12 the Second Declaration of Thomas B. Walsh, IV (i) relate to or contain information considered to  
13 be confidential by at least one of the parties to this action and/or by a third party from whom  
14 discovery was sought; (ii) relate to or contain information exchanged during the course of  
15 discovery in this matter and/or the related action pending in the Eastern District of Texas,  
16 *Software Rights Archive, LLC v. Google Inc., et al.*, Case No. 07-CV-511 (the "Texas Action"),  
17 and were designated by the producing party as "Confidential" or "Confidential Attorneys' Eyes  
18 Only" pursuant to the Protective Order filed in the Texas Action (Dkt. No. 99-2, November 4,  
19 2008) and agreed to by the parties;<sup>1</sup> and/or (iii) were filed under seal by a party in the Texas  
20 Action.

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22 I declare under penalty of perjury that the foregoing is true and correct.

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25 <sup>1</sup> 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.

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Executed this 24th day of July, 2009, at Dallas, Texas.

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

Additional counsel

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