

1 DANIEL J. BERGESON, Bar No. 105439
 dbergeson@be-law.com
 2 DONALD P. GAGLIARDI, Bar No. 138979
 dgagliardi@be-law.com
 3 CAROLINE McINTYRE, Bar No. 159005
 cmcintyre@be-law.com
 4 BERGESON, LLP
 303 Almaden Boulevard, Suite 500
 5 San Jose, CA 95110-2712
 Telephone: (408) 291-6200
 6 Facsimile: (408) 297-6000

7 KENNETH W. BROTHERS (admitted *pro hac vice*)
 brothersk@dickensteinshapiro.com
 8 DICKSTEIN SHAPIRO, LLP
 1825 Eye Street, N.W.
 9 Washington, D.C. 20006
 Telephone: (202) 420-4128
 10 Facsimile: (202) 420-2201

11 Attorneys for Defendant
 METONYMY, INC. *d/b/a* PLACEBASE

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

17 KNOWLEDGEPLEX, INC.,
 18 Plaintiff,
 19 vs.
 20 PLACEBASE, INC. *A/K/A* METONYMY, INC.
 21 Defendant.

Case No. C08-04267 JF

**[proposed] ORDER GRANTING
 PLACEBASE'S ADMINISTRATIVE
 MOTION FOR LEAVE TO FILE
 DOCUMENTS UNDER SEAL**

Complaint Filed: September 10, 2008
 Trial Date: Not Set

1 Now before the Court is defendant Placebase's Administrative Motion For Leave To File
2 Documents Under Seal. Upon consideration of the Administrative Motion for Leave to File
3 Documents Under Seal and the supporting declaration of Donald P. Gagliardi filed therewith, the
4 Court finds there to be good cause for granting Placebases's request to file documents under seal.

5 GOOD CAUSE having been shown, the Court finds that:

6 (1) The parties possess an overriding confidentiality interest that overcomes the right
7 of public access in the following documents:

8 **Portions of Placebase's Reply Brief in Support of Its Motion for Preliminary**
9 **Injunction and Fees Under 17 U.S.C. § 512(f) AND 28 U.S.C. §1927.**

- 10 • Page 4, portions of line 19.
- 11 • Page 6 portions of lines 15, 17 and 18.

12 **Portions of Supplemental Declaration of Jaron Waldman In Support of Placebase's**
13 **Reply to KPI's Opposition to Placebase's Motion for Preliminary Injunction and Fees.**

- 14 • Page 2, portions of line 5.
- 15 • Page 3, portions of lines 4, 5 and 6.

16 (2) The parties' overriding confidentiality interests support sealing the record;

17 (3) A substantial probability exists that the parties' overriding confidentiality interest
18 will be prejudiced if these records are not sealed;

19 (4) The proposed sealing is narrowly tailored; and

20 (5) No less restrictive means exist to achieve this overriding interest.

21 IT IS THEREFORE ORDERED that Placebase's Motion for Leave to File Documents
22 Under Seal is GRANTED.

23 **IT IS SO ORDERED.**

24 Dated: 10/20, 2008

25 
26 Hon. Jeremy Fogel
27 UNITED STATES DISTRICT JUDGE