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7 Attorneys for Third-Party TRG Holdings LLC

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

12 ALIGN TECHNOLOGY, INC.,

13 Plaintiff,  
 14 Counterclaim  
 Defendant, and  
 15 Counterclaimant,

16 v.

17 ROSS J. MILLER, an individual, and  
 ROSS J. MILLER DDS, A  
 18 PROFESSIONAL DENTAL  
 CORPORATION, a corporation,

19 Defendants,  
 20 Counterclaimants,  
 and Counterclaim  
 21 Defendants.

Case No. C 05-3418 MMC (JL)

**DECLARATION OF HEATHER E.  
 ABELSON PURSUANT TO CIVIL L. R.  
 79-5(d) IN SUPPORT OF THIRD-PARTY  
 TRG HOLDINGS LLC'S  
 ADMINISTRATIVE MOTION FOR  
 LEAVE TO FILE CONFIDENTIAL  
 DOCUMENTS UNDER SEAL PURSUANT  
 TO CIVIL LOCAL RULE 79-5**

Hearing Date: August 23, 2006  
 Time: 9:30 a.m.  
 Courtroom: F, 15th Floor  
 Judge: Hon. James Larson

22  
 23 I, Heather E. Abelson, declare as follows:

24 1. I am a member in good standing of the State of California and an associate with  
 25 the law firm of O'Melveny & Myers LLP, counsel of record for Third-Party TRG Holdings LLC  
 26 ("TRG"). I know the facts stated herein to be true and correct based on my personal knowledge,  
 27 and, if called to testify, I could and would testify competently thereto.

28 2. Third-Party TRG Holdings LLC's Opposition to Align Technology, Inc.'s Motion

Case No. C 05-3418 MMC (JL)

DECL. OF H. ABELSON ISO MOTION FOR  
 LEAVE TO FILE DOCS. UNDER SEAL

1 for Contempt Sanctions Against TRG Holdings, dated August 2, 2006, is designated "Highly  
2 Confidential" by TRG under the Stipulated Protective Order, dated January 23, 2006 (the  
3 "Protective Order"), because it contains confidential business information regarding TRG.

4 3. The Declaration of Obaid Haq in Support of Third-Party TRG Holdings LLC's  
5 Opposition to Align Technology, Inc.'s Motion for Contempt Sanctions Against TRG Holdings,  
6 dated August 2, 2006, is designated "Highly Confidential" by TRG under the Protective Order,  
7 because it contains confidential business information regarding TRG.

8 I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd  
9 day of August, 2006, at San Francisco, California.

10  
11 s/ Heather E. Abelson  
12 \_\_\_\_\_  
13 Heather E. Abelson

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