

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-cv-00347-D

LULU ENTERPRISES, INC.,

Plaintiff,

vs.

HULU, LLC, et al.,

Defendants.

**DEFENDANT'S MOTION TO FILE
DOCUMENTS UNDER SEAL
(Local Civil Rule 79.2, EDNC)**

Defendant Hulu, LLC (formerly N-F NewSite, LLC) ("Hulu"), by and through its undersigned counsel and pursuant to Local Civil Rule 79.2, EDNC and the Court's Order entered in this matter on September 28, 2007, hereby moves this Court for an order allowing the following Hulu documents to be filed and retained under seal. In support of this Motion, Defendant says as follows:

1. Hulu prepared and is filing the following document (Item No. 1) in support of its opposition to plaintiff's motion for preliminary injunction:

(1) Supplemental Confidential Declaration of Jason Kilar, with Exhibits A-C;

2. The other documents which Defendant seeks to have filed under seal (Item Nos. 2-11) were produced by Defendant to Plaintiff during the limited expedited discovery period ordered by the Court and relating to Plaintiff's motion for preliminary injunction. Defendant designated each of these items as "Confidential Information" or "Attorneys' Eyes Only Information" pursuant to the Court's Order dated September 28, 2007:

- (2) March 21, 2007 Presentation, “NewSite JV Overview” (DEF000134-DEF000147);
- (3) Transcript, Deposition of Jason Kilar, taken September 28, 2007;
- (4) August 29, 2007 “Hulu Name and Beta Announce FAQ – Internal Only,” (DEF000446-DEF000447);
- (5) September 2007 Presentation, “Hulu Overview” (DEF000252-DEF000262);
- (6) August 20, 2007 Screenshot, “Customer sign-ups for Hulu beta, dated 8/20” (DEF000001);
- (7) April 2007 Presentation, “NewSite JV Business Plan” (DEF000111-DEF000133);
- (8) May 9, 2007 Interbrand Memorandum, “NewSite Creative Brief” (DEF001227-DEF001232);
- (9) August 15, 2007 e-mail from Andrew Racine to Carolyn Glass, NBC Universal (DEF000658-DEF000661);
- (10) September 5, 2007 email from Jason Kilar to “board@projectnewsite.com” (DEF000404-DEF000405); and
- (11) Image of Hulu logo (DEF001490)

3. Pursuant to the Court’s September 28th Order, counsel for the parties have conferred and Defendant has requested that the above-listed items (Nos. 2-11), which Plaintiff intends to file in support of its motion for preliminary injunction, remain confidential and be filed and retained under seal.

4. Defendant attests that all of the above-listed items (Nos. 1-11) contain proprietary, confidential, and competitively sensitive financial and business information.

5. Contemporaneously with this Motion, Defendant submits its Memorandum of Law in support of its motion to file these documents under seal.

WHEREFORE, Defendant Hulu, LLC respectfully prays the Court for an Order allowing that the above-listed documents be filed and retained under seal. A proposed Order is submitted with this Motion.

Respectfully submitted this the 9th day of October, 2007.

/s/ Hayden J. Silver, III

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Counsel for Defendant Hulu, LLC

CERTIFICATE OF SERVICE

This is to certify that on this date the foregoing was electronically filed with the Clerk of the Court using the CM/ECF System which will send notice to the following CM/ECF participants:

Leslie C. O'Toole
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This the 9th day of October, 2007.

/s/ Hayden J. Silver, III

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