

- 1) Gibson and Activision Publishing, Inc. are parties to an agreement that includes a confidentiality provision (the "Agreement"). The confidentiality provision of the Agreement prohibits, *inter alia*, public disclosure or use of the terms of the Agreement, as well as public disclosure of the parties relationship related to the Agreement. *See* Glass Decl. Ex. B, Agreement §5 [D.E. 39].
- 2) Certain provisions of the Agreement and the parties relationship thereunder are referenced in Gibson's Opposition to the Joint Motion to Dismiss or Stay.
- 3) To comply with the confidentiality provision of the Agreement, Gibson hereby respectfully requests leave from the Court to file under seal the unredacted version of its Opposition to the Joint Motion to Dismiss or Stay as well as certain declarations and exhibits in support thereof.

Gibson further requests that should the Court grant this motion to seal, its Opposition to the Joint Motion to Dismiss or Stay be deemed filed as of May 21, 2008.

WHEREFORE, Gibson respectfully requests that the Court grant this Motion for Leave to File Under Seal. A proposed order granting this motion is submitted herewith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being filed electronically.

Notice of this filing will be sent by operation of the Court's electronic filing system to:

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on this the 21st day of May, 2008.

s/ Douglas R. Pierce