

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

PERSONAL AUDIO, LLC,

Plaintiff,

v.

XM SATELLITE RADIO, INC.

Defendant.

CASE NO. 9:10-CV-00035-RC

JURY TRIAL DEMANDED

UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL

COMES NOW, Defendant XM Satellite, Inc., and files this Unopposed Motion for Leave to File under Seal, and in support thereof would respectfully show the Court as follows:

Exhibits A-C to the Declaration of Benu Mehra in Support of XM Satellite, Inc.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) contain confidential information. Accordingly, Defendant XM Satellite, Inc. requests that it be permitted to file its exhibits under seal.

Plaintiff's counsel does not oppose this request.

Dated: May 11, 2010

Respectfully Submitted,

By: /s/ Elizabeth L. DeRieux

S. Calvin Capshaw

State Bar N. 03783900

Elizabeth L. DeRieux

State Bar No. 05770585

D. Jeffrey Rambin

State Bar No. 00791478

The Energy Centre

1127 Judson Road, Suite 220

Longview, Texas 75601-5157

Tel. :903-236-9800

Fax: 903-236-8787

ccapshaw@capshawlaw.com

ederieux@capshawlaw.com

jrambin@capshawlaw.com

OF COUNSEL:
KRAMER, LEVIN, NAFTALIS & FRANKEL, LLP
Jonathan S. Caplan
Mark A. Baghdassarian
Benu Mehra
Marcus A. Colucci
1177 Avenue of the Americas
New York, New York 10036
Tel.: 212-715-9100
Fax: 212-715-8000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Elizabeth L. DeRieux