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The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MICROSOFT CORPORATION, a Washington corporation,)	No. CV07 936RSM
)	
Plaintiff,)	IMMERSION CORPORATION'S
)	MOTION TO FILE UNDER SEAL
v.)	CERTAIN SUPPORTING DOCUMENTS
)	
IMMERSION CORPORATION, a Delaware corporation,)	
)	
Defendant.)	NOTE ON MOTION CALENDAR
)	August 8, 2008

Pursuant to Local Rule 5(g) and Rule 26(c)(1) of the Federal Rules of Civil Procedure (“Rule 26(c)”), defendant Immersion Corporation (“Immersion”) respectfully requests that the Court allow it to file under seal the exhibits 1, 3, 4, 5, 14, and 15 to the Declaration of David R. Kaplan (“Kaplan Declaration”) in Support of Immersion’s Motion For Partial Summary Judgment Regarding Microsoft’s Claim of Breach of the Implied Covenant (“Motion”).

The above-referenced exhibits to the Kaplan Declaration contain business sensitive and confidential information, including information related to the scope of a sublicense to Immersion’s haptic technologies granted by Immersion to Microsoft in 2003, confidential financial terms of an agreement between Immersion and Sony Computer Entertainment, Inc. and Sony Computer Entertainment America, Inc. (collectively “Sony”) executed in 2007, and

1 excerpts of deposition testimony containing business sensitive information concerning
2 confidential business negotiations. The information has been designated “Confidential” by one
3 or more of the parties to this lawsuit under the Stipulated Protective Order Regarding Treatment
4 by the Parties of Confidential Documents.

5 Sealing of these exhibits is proper under Local Rule 5(g) and Rule 26(c) because the
6 public’s interest in accessing such information is minimal or nonexistent, while the interests of
7 the parties and relevant third parties in protecting these documents from public disclosure is
8 substantial. None of the subject exhibits deal with any specific matters of public importance.
9 Further, information relating to the parties’ claims can be obtained from Immersion’s Motion, as
10 well as other pleadings and documents publicly on file with the Court.

11 In view of the foregoing, Immersion respectfully requests that this Court enter an order
12 sealing the above-described documents. A proposed order is lodged herewith.

13
14 DATED July 16, 2008.

15 IRELL & MANELLA LLP

16 By /s/ David R. Kaplan

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Attorneys for Defendant Immersion Corporation

1 **CERTIFICATE OF SERVICE**

2 The undersigned attorney certifies that on the 16th day of July, 2008, I electronically filed
3 the foregoing with the Clerk of the Court using the CM/ECF system which will send notification
4 of such filing to the following:

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