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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’S MOTION TO FILE UNDER SEAL ITS OPPOSITION TO MICROSOFT’S MOTION FOR PARTIAL SUMMARY JUDGMENT ON BREACH OF CONTRACT AND CERTAIN SUPPORTING DOCUMENTS
v.)	
IMMERSION CORPORATION, a Delaware corporation,)	
)	
Defendant.)	
)	NOTE ON MOTION CALENDAR
)	July 25, 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 its Opposition to Microsoft’s Motion for Partial Summary Judgment on Breach of Contract (“Immersion’s Opposition”) and the exhibits 1-17, 22, 23, 30, 34, 39-46 to the Declaration of Alan J. Heinrich “in support thereof (“Heinrich Declaration”) .

Immersion’s Opposition and the above-referenced exhibits to the Heinrich 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

IMMERSION’S MOTION TO FILE UNDER SEAL ITS OPPOSITION TO MICROSOFT’S MOTION FOR PARTIAL SUMMARY JUDGMENT AND CERTAIN SUPPORTING DOCUMENTS (CV07 936RSM)

IRELL & MANELLA LLP
A Registered Limited Liability Law Partnership Including Professional Corporations

1 2003, confidential financial terms of an agreement between Immersion and Sony Computer
2 Entertainment, Inc. and Sony Computer Entertainment America, Inc. (collectively “Sony”)
3 executed in 2007, and excerpts of deposition testimony containing business sensitive information
4 concerning confidential business negotiations. The information been designated “Confidential”
5 by one or more of the parties to this lawsuit under the Stipulated Protective Order Regarding
6 Treatment by the Parties of Confidential Documents. The Court has already ordered sealed
7 Microsoft’s partial summary judgment motion and certain documents filed in support thereof, to
8 which Immersion’s Opposition responds.

9 Sealing of Immersion’s Opposition and the subject exhibits is proper under Local Rule
10 5(g) and Rule 26(c) because the public’s interest in accessing such information is minimal or
11 nonexistent, while the interests of the parties and relevant third parties in protecting these
12 documents from public disclosure is substantial. Neither Immersion’s Opposition nor the subject
13 exhibits deal with any specific matters of public importance. Further, information relating to the
14 parties’ claims can be obtained from pleadings and documents publicly on file with the Court.

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

17 DATED July 17, 2008.

18 IRELL & MANELLA LLP

19 By /s/ David R. Kaplan

20 David R. Kaplan

(admitted *pro hac vice*)

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Attorneys for Defendant Immersion Corporation

1 **CERTIFICATE OF SERVICE**

2 The undersigned attorney certifies that on the 17th 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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