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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,	)	<b>IMMERSION’S MOTION TO FILE UNDER SEAL ITS REPLY IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING MICROSOFT’S CLAIM OF BREACH OF THE IMPLIED COVENANT AND CERTAIN SUPPORTING DOCUMENTS</b>
v.	)	
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 Immersion’s Reply In Support Of Its Motion For Partial Summary Judgment Regarding Microsoft’s Claim Of Breach Of The Implied Covenant (“Reply”) and exhibits 1, 2, 3, and 5 to the Supplemental Declaration of David R. Kaplan in support thereof (“Supplemental Kaplan Declaration”).

The above-referenced Reply and exhibits to the Supplemental 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,

1 confidential financial terms of an agreement between Immersion and Sony Computer  
2 Entertainment, Inc. and Sony Computer Entertainment America, Inc. executed in 2007, and  
3 excerpts of deposition testimony concerning confidential business negotiations. The information  
4 has been designated "Confidential" by one or more of the parties to this lawsuit under the  
5 Stipulated Protective Order Regarding Treatment by the Parties of Confidential Documents.

6 Sealing of these exhibits is proper under Local Rule 5(g) and Rule 26(c) because the  
7 public's interest in accessing such information is minimal or nonexistent, while the interests of  
8 the parties and relevant third parties in protecting these documents from public disclosure is  
9 substantial. None of the subject exhibits deal with any specific matters of public importance.  
10 Further, information relating to the parties' claims can be obtained from Immersion's Motion For  
11 Partial Summary On Breach Of The Implied Covenant (Dkt. #129), as well as other pleadings  
12 and documents publicly on file with the Court.

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

15 DATED August 8, 2008.

16 IRELL & MANELLA LLP

17 By /s/ David R. Kaplan

18 David R. Kaplan

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*Attorneys for Defendant Immersion Corporation*

1 **CERTIFICATE OF SERVICE**

2 The undersigned attorney certifies that on the 8th day of August, 2008, I electronically  
3 filed the foregoing with the Clerk of the Court using the CM/ECF system which will send  
4 notification of such filing to the following:

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