

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

IMMERSION CORPORATION, a
Delaware corporation,

Defendant.

No. C07-0936RSM

**PLAINTIFF'S MOTION TO FILE
EXHIBIT B TO THE DECLARATION
OF WENDY E. LYON UNDER SEAL**

**Noted on Motion Calendar:
May 2, 2008**

I. RELIEF REQUESTED

Pursuant to Local Rule 5(g), plaintiff respectfully requests that the Court allow plaintiff to file under seal Exhibit B to the Declaration of Wendy E. Lyon in Support Of Microsoft's Motion to Limit Speaking Objections ("Lyon Declaration").

II. GROUNDS

Although the parties filed a [Proposed] Stipulated Protective Order Regarding Treatment by the Parties of Confidential Documents with the Court on 2/13/08, Doc. #43, it was rejected by the Court (Minute Order of 3/20/08). The parties are now working to reach agreement on the language contained in the Stipulation and resubmit it for the Court's approval.

PLAINTIFF'S MOTION TO FILE EX. B TO LYON DECLARATION
UNDER SEAL (NO. C07-936RSM) - 1
4844-4456-9090.01
041708/1450/20363.00411

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

1 Immersion claims that numerous documents in this case, including
2 documents attached as exhibits to the Lyon declaration, are confidential and must
3 be filed under seal. Allowing plaintiff to file exhibits under seal pending the
4 parties' agreement on a form of Protective Order is appropriate.

5 Sealing of certain exhibits to the Lyon Declaration is authorized under Local
6 Rule 5(g) because the facts warranting sealing overcome the strong presumption
7 in favor of public access to the document. Moreover, the public's interest in
8 accessing these exhibits to the Lyon Declaration is minimal. General information
9 related to the parties' claims can be obtained from plaintiff's motion. Nor do the
10 exhibits deal with any matters of public importance.

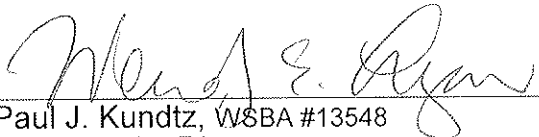
11 III. CONCLUSION

12 For the foregoing reasons, plaintiff respectfully request that the Court allow
13 Exhibit B to the Lyon Declaration to be filed under seal. An order authorizing
14 sealing is submitted herewith.

15 DATED this 17th day of April, 2008.

16 RIDDELL WILLIAMS P.S.

17
18
19 By


Paul J. Kundtz, WSBA #13548
Blake Marks-Dias, WSBA #28169
Wendy E. Lyon, WSBA #34461

20 Attorneys for Plaintiff MICROSOFT
21 CORPORATION
22
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 I, Margaret Friedmann, declare as follows:

3 I am over 18 years of age and a citizen of the United States. I am
4 employed as a legal secretary by the law firm of Riddell Williams P.S.

5 On the date noted below, I electronically filed the foregoing document titled
6 **PLAINTIFF'S MOTION TO FILE EXHIBIT B TO THE DECLARATION OF**
7 **WENDY E. LYON UNDER SEAL** and **PROPOSED ORDER GRANTING**
8 **PLAINTIFF'S MOTION TO FILE EXHIBIT B TO THE DECLARATION OF**
9 **WENDY E. LYON UNDER SEAL** with the Clerk of the Court using the CM/ECF
10 system which will send notification of such filing to the following counsel for
11 Immersion Corporation:

12 Bradley S. Keller
13 Jofrey M. McWilliam
14 Byrnes & Keller LLP
15 1000 Second Avenue, 38th Floor
16 Seattle, WA 98104-4082
17 Phone: (206) 622-2000
18 Fax: (206) 622-2522
19 Email: bkeller@byrneskeller.com
20 jmccwilliam@byrneskeller.com

Richard M. Birnholz
Morgan Chu
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276
Phone: (310) 277-1010
Fax: (301) 203-7199
Email: rbirnholz@irell.com
mchu@irell.com

21 I declare under penalty of perjury under the laws of the State of
22 Washington that the foregoing is true and correct.

23 Executed at Seattle, Washington this 17th day of April, 2008.

24 

25 Margaret Friedmann
26 Legal Secretary, Riddell Williams P.S.
1001 Fourth Avenue Plaza, Suite 4500
Seattle, WA 98154
Phone: (206) 624-3600
Fax: (206) 389-1708
email: mfriedmann@riddellwilliams.com