

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 A TO THE DECLARATION  
OF WENDY E. LYON (RE  
MICROSOFT'S REPLY IN  
SUPPORT ITS MOTION TO LIMIT  
SPEAKING OBJECTIONS) 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 A to the Declaration of Wendy E. Lyon in Support of Microsoft's Reply in Support of Its Motion to Limit Speaking Objections.

**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 still 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. A TO LYON DECL. UNDER  
SEAL (NO. C07-936RSM) - 1  
4842-5858-0482.01  
050208/1350/20363.00411

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

1 Immersion has asserted that the testimony of various Sony and Immersion  
2 witnesses is confidential. Exhibit A to the Declaration of Wendy E. Lyon in  
3 Support of Microsoft's Reply in Support of Its Motion to Limit Speaking Objections  
4 contains testimony of Laura A. Peter and Patrick Reutens, and contains  
5 information that defendants regard as confidential. Allowing plaintiff to file these  
6 documents under seal pending the parties' agreement on a form of Protective  
7 Order is appropriate.

8 The sealing of Exhibit A to the above-referenced Declaration of Wendy E.  
9 Lyon is authorized under Local Rule 5(g) because the facts warranting sealing  
10 overcome the presumption in favor of public access to the document. Moreover,  
11 the public's interest in accessing Exhibit A to the Declaration of Wendy E. Lyon is  
12 minimal; nor does Ex. A to the Declaration of Wendy E. Lyon deal with any  
13 matters of public importance. General information related to the parties' claims  
14 can be obtained from the pleadings and motions on file.

### 15 III. CONCLUSION

16 For the foregoing reasons, plaintiff respectfully request that the Court allow  
17 Exhibit A to the Declaration of Wendy E. Lyon to be filed under seal. An order  
18 authorizing sealing is submitted herewith.

19 DATED this 2<sup>nd</sup> day of May, 2008.

20 RIDDELL WILLIAMS P.S.

21 By                     /s/ Wendy E. Lyon                    

22 Paul J. Kundtz, WSBA #13548

23 Blake Marks-Dias, WSBA #28169

24 Wendy E. Lyon, WSBA #34461

25 Attorneys for Plaintiff MICROSOFT  
26 CORPORATION

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 A TO THE DECLARATION OF**  
7 **WENDY E. LYON (RE MICROSOFT'S REPLY IN SUPPORT ITS MOTION TO**  
8 **LIMIT SPEAKING OBJECTIONS) UNDER SEAL** with the Clerk of the Court using  
9 the CM/ECF system which will send notification of such filing to the following  
10 counsel for Immersion Corporation:

11 Bradley S. Keller 12 Jofrey M. McWilliam 13 Byrnes & Keller LLP 14 1000 Second Avenue, 38 <sup>th</sup> Floor 15 Seattle, WA 98104-4082 Phone: (206) 622-2000 Fax: (206) 622-2522 Email: <a href="mailto:bkeller@byrneskeller.com">bkeller@byrneskeller.com</a> <a href="mailto:jmcwilliam@byrneskeller.com">jmcwilliam@byrneskeller.com</a>	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: <a href="mailto:rbirnholz@irell.com">rbirnholz@irell.com</a> <a href="mailto:mchu@irell.com">mchu@irell.com</a>
---	--

16 Service of the documents filed under seal will be served electronically on  
17 the above parties, plus Alan Heinrich at [aheinrich@irell.com](mailto:aheinrich@irell.com) and David Kaplan at  
18 [dkaplan@irell.com](mailto:dkaplan@irell.com).

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

21 Executed at Seattle, Washington this 2<sup>nd</sup> day of May, 2008.

22   
23 Margaret Friedmann  
24 Legal Secretary, Riddell Williams P.S.  
25 1001 Fourth Avenue Plaza, Suite 4500  
26 Seattle, WA 98154  
Phone: (206) 624-3600  
Fax: (206) 389-1708  
email: [mfriedmann@riddellwilliams.com](mailto:mfriedmann@riddellwilliams.com)