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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LOCAL.COM CORPORATION, a Delaware Corporation,

Plaintiff,

v.

FRY'S ELECTRONICS, INC., a California Corporation,

Defendants.

FRY'S ELECTRONICS, INC., a California Corporation,

Counter-Claimant,

v.

LOCAL.COM CORPORATION, a Delaware Corporation,

Counter-Defendant.

CASE NO. 12-CV-976 JGB (JPRx)

PLAINTIFF'S APPLICATION TO FILE DOCUMENTS UNDER SEAL IN OPPOSITION TO DEFENDANT'S MOTION *IN LIMINE*S PURSUANT TO PROTECTIVE ORDER (DKT. NO. 26)

[LR 79-5]

Hearing Date: June 10, 2013
Hearing Time: 11:00 a.m.

ORIGINAL

Pursuant to the Protective Order in this action (Dkt. No. 26), which was agreed upon by the parties and entered as an Order of the Court on March 4, 2013, and Local Rule 79-5, Plaintiff Local.com Corporation hereby request that the Court permit the filing under seal of the following documents:

1. Plaintiff's Opposition to Defendant's Motion *in Limine* No. 1 to Exclude Plaintiff Local.com's Witness Renee D. Marino From Testifying [UNDER SEAL]; and
2. Declaration of Jeff Grant in Opposition to Defendant Fry's Electronics, Inc.'s Motions *in Limine* Nos. 1-3 [UNDER SEAL]
3. Exhibit G attached to the Declaration of Jeff Grant in Opposition to Defendant Fry's Electronics, Inc.'s ("Fry's) Motion *in Limine*; and
4. Exhibit I attached to the Declaration of Jeff Grant in Opposition to Defendant Fry's Electronics, Inc.'s ("Fry's) Motion *in Limine*; and
5. Exhibit J attached to the Declaration of Jeff Grant in Opposition to Defendant Fry's Electronics, Inc.'s ("Fry's) Motion *in Limine*.

This Application to file documents under seal is necessary Plaintiff's Opposition to Defendant's Motion *in Limine* No. 1 to Exclude Plaintiff Local.com's Witness Renee D. Marino From Testifying, *see* Number 1 above, contains information set forth in documents and depositions that were designated as "Confidential" or "Attorneys' Eyes Only" by one of the parties to this lawsuit under the Protective Order. More specifically, Plaintiff's Opposition to Defendant's Motion *in Limine* No. 1 to Exclude Plaintiff Local.com's Witness Renee D. Marino From Testifying contains information regarding Fry's web traffic and use of that web traffic. All of the aforementioned material was and is maintained in confidence by the parties. The public disclosure of this information would be harmful to the parties' business interests.

This Application to file documents under seal is necessary Declaration of Jeff Grant in Opposition to Defendant Fry's Electronics, Inc.'s Motions *in Limine*

Nos. 1-3 [UNDER SEAL], *see* Number 2 above, contains information set forth in documents and depositions that were designated as "Confidential" or "Attorneys' Eyes Only" by one of the parties to this lawsuit under the Protective Order. More specifically, Declaration of Jeff Grant in Opposition to Defendant Fry's Electronics, Inc.'s Motions *in Limine* Nos. 1-3 [UNDER SEAL] contains information regarding Fry's web traffic and use of that web traffic. All of the aforementioned material was and is maintained in confidence by the parties. The public disclosure of this information would be harmful to the parties' business interests.

This Application to file documents under seal is necessary because Exhibit G, excerpts from the Deposition of Jerry Payne, *see* Number 3 above, contains information set forth in documents that were designated as "Confidential" or "Attorneys' Eyes Only" by one of the parties to this lawsuit under the Protective Order. More specifically, Exhibit G contains information regarding Fry's web traffic and use of that web traffic. All of the aforementioned material was and is maintained in confidence by the parties. The public disclosure of this information would be harmful to the parties' business interests.

This Application to file documents under seal is furthermore necessary because the sealed version of Exhibit I, *see* Number 4 above, contains information set forth in documents that were designated as "Confidential" or "Attorneys' Eyes Only" by one of the parties to this lawsuit under the Protective Order. More specifically, Exhibit I contains information regarding Fry's web traffic including clickstream data and specific Google.com analytics. All of the aforementioned material was and is maintained in confidence by the parties. The public disclosure of this information would be harmful to the parties' business interests.

Finally, this Application to file documents under seal is necessary because the Exhibit J, Renee Marino's Supplemental Expert Report, *see* Number 5 above,

contains information set forth in documents that were designated as "Confidential" or "Attorneys' Eyes Only" by one of the parties to this lawsuit under the Protective Order. More specifically, Exhibit J contains information regarding Fry's web traffic including clickstream data, as well as financial information, including sales figures and non-publicly disclosed revenues for Frys.com. All of the aforementioned material was and is maintained in confidence by the parties. The public disclosure of this information would be harmful to the Fry's business interests.

DATED: May 21, 2013

LATHROP & GAGE LLP

By: /s/ Jeff Grant
JOHN SHAEFFER
JEFF GRANT
Attorneys for Plaintiff
Local.com Corporation