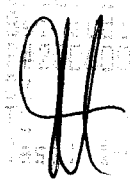


UCS

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6 Attorneys For Plaintiff  
EAGLE BROADBAND, INC.

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SANTA CLARA



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San Francisco, CA 94111

11 EAGLE BROADBAND, INC.,  
12 Plaintiff,  
13 vs.  
14 DOES 1 through 25, inclusive,  
15 Defendants.

CASE NO. 1-05-CV-050179

**PLAINTIFF'S NOTICE OF MOTION  
AND MOTION TO SEAL  
MEMORANDUM OF POINTS AND  
AUTHORITIES AND DECLARATION  
IN SUPPORT OF OPPOSITION TO  
DEFENDANT'S MOTION FOR  
ATTORNEYS' FEES**

**Accompanying Papers:**  
Memorandum of Points and Authorities in  
Support of Motion to Seal; [Proposed]  
Order; Declaration in Support of Motion to  
Seal

Date: August 8, 2006  
Time: 9:00 a.m.  
Dept.: 2  
Judge: Hon. William J. Elfving

Complaint filed: October 5, 2005  
Trial Date: None Set  
Special Motion to Strike  
Granted: March 7, 2006

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275 Battery Street, Suite 2000  
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TO THIS HONORABLE COURT, AND TO ALL PARTIES AND THEIR  
ATTORNEYS OF RECORD:

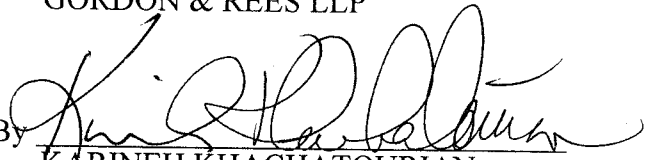
PLEASE TAKE NOTICE that on August 8, 2006, at 9:00 a.m., or as soon as the matter may be heard, in Department 2 of the above-entitled court, located at 191 N. First Street, San Jose, California 95113, Plaintiff Eagle Broadband ("Plaintiff") will and hereby does move for an Order sealing Plaintiff's Memorandum of Points and Authorities in Support of Opposition to Defendant's Motion for Attorneys' Fees and Declaration in Support of Opposition to Defendant's Motion for Attorneys' Fees.

This Motion is made pursuant to California Rules of Court 243.1 and 243.2 on the grounds that Plaintiff has an overriding interest in honoring a settlement negotiation agreement that requires that all information relevant to these negotiations be filed under seal and Eagle Broadband will suffer prejudice if the above mentioned papers are not sealed because it relied on the protections of this agreement in engaging in good faith settlement negotiations.

This Motion is based upon this Notice and Motion, the Memorandum of Points and Authorities in support thereof, the Declaration of Karineh Khachatourian, the Proposed Order filed concurrently herewith, the records and files herein, and upon such other evidence as may be presented at the hearing on this matter.

Dated: July 26, 2006

Respectfully Submitted,  
GORDON & REES LLP

By   
KARINEH KHACHATOURIAN  
Attorneys for Plaintiff  
EAGLE BROADBAND, INC.