

Documents censored in Microsoft-Google case

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Microsoft Corp. documents concerning a former executive who went to rival Google Inc. can't be sealed but deserve protection because they contain trade secrets, a judge ruled yesterday.

King County Superior Court Judge Steven Gonzalez edited two documents that Microsoft regards as confidential, then released them in a much-abbreviated form.

"The court has determined, after weighing the public's right to access against Microsoft's right to protect trade secrets, that sealing (the documents) in their entirety is not the least restrictive alternative," Gonzalez wrote.

The "redacted" versions, with some words, phrases and paragraphs blacked out, present little of value, complained an attorney for The Hearst Corp., which owns the Seattle Post-Intelligencer.

"From a news perspective, we're not getting any sense of what these documents are," said Justin Peacock, a Hearst attorney. "But we are establishing something important in terms of going forward in this case: that Microsoft must meet its burden when it wants something sealed."

The P-I, joined by The Seattle Times and The Wall Street Journal, filed briefs last week objecting to Microsoft's attempt to seal the documents. The P-I cited Washington law requiring sealing proponents to show a "serious and imminent" threat to their rights if their request is denied.

One of the documents released yesterday contains Kai-Fu Lee's notes from a meeting May 18, 2004, with Microsoft Chairman and co-founder Bill Gates about the company's search technologies and how to compete with Google.

The other is a June 22, 2004, e-mail to Lee and others containing management discussion of employee compensation and recruitment efforts for Microsoft's China operations.

Microsoft initially sought to seal a third document -- a draft indemnity agreement between Google and Lee -- but it allowed release of the document yesterday. It says Lee agrees not to tell Google any Microsoft trade secrets and that Google agrees it won't ask him to. It also says that if Microsoft succeeds in stopping Lee from working at Google, he'll receive his full salary, bonus, benefits and stock-option vesting for a year.

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