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UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

Docket Number 105B(G): 07-01

IN RE DIRECTIVES TO YAHOO!, INC.
PURSUANT TO SECTION 105B OF THE
FOREIGN INTELLIGENCE SURVEILLANCE
ACT (S)

ORDER

The Court having received 1) the government's "response to ex parte order to government and motion for leave to file classified appendix for the court's ex parte and in camera review"; 2) the respondent's "motion for disclosure of filings"; and 3) the government's "opposition to motion for disclosure of filings,"

IT IS HEREBY ORDERED that the government's motion for leave to file an additional classified appendix for the Court's ex parte and in camera review is GRANTED.

IT IS FURTHER ORDERED that Yahoo's request for access to the additional classified appendix is DENIED.¹

IT IS FURTHER ORDERED that both the original classified appendix whose filing was authorized by the Court on January 31, 2008, and the additional classified appendix whose filing is authorized by this order, shall remain part of the record before this Court.

IT IS FURTHER ORDERED that Yahoo's request for access to the opinion in In re



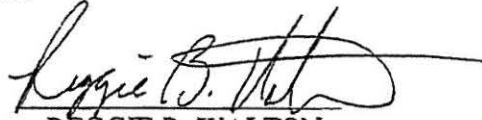
¹ The Court notes that, pursuant to 50 U.S.C. 1805b(k), "the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information" (emphasis added).

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[REDACTED] (FISC Jan.15, 2008) is also DENIED.²

IT IS SO ORDERED, this 28th day of February, 2008.



REGGIE B. WALTON
Judge, United States Foreign
Intelligence Surveillance Court

² The opinion is tangential to the major issues in this case, and is apparently classified at a level beyond the security clearance held by Yahoo's counsel. Furthermore, while section 1805b(k) is not directly apposite, the Congressional judgment embodied in that section does suggest that this Court should not lightly override the government's opposition to the release of additional classified information in this litigation, particularly where, as here, that information directly relates to what the government has submitted for ex parte and in camera review under section 1805b(k).

I, Karen E. Sutton, Clerk,
FISC, certify that this document
is a true and correct copy
of the original. *kes*

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