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6 Attorneys for Plaintiff and Counter Defendant  
 7 GOOGLE INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 GOOGLE INC., a Delaware corporation,  
 12  
 Plaintiff,  
 13  
 v.  
 14 AMERICAN BLIND & WALLPAPER  
 15 FACTORY, INC., a Delaware corporation  
 d/b/a decoratetoday.com, Inc., and DOES 1-  
 16 100, inclusive,  
 17 Defendants.

Case No. C 03-5340-JF (EAI)

**DECLARATION OF AJAY S. KRISHNAN  
 IN SUPPORT OF MOTION FOR ORDER  
 SHORTENING TIME FOR BRIEFING  
 AND HEARING ON PLAINTIFF'S  
 MOTION TO COMPEL COUNTER-  
 PLAINTIFF ABWF TO (1) PRODUCE  
 DOCUMENTS, (2) PRODUCE AN  
 AFFIDAVIT DETAILING ABWF'S  
 DOCUMENT COLLECTION EFFORTS,  
 AND (3) SCHEDULE DEPOSITIONS**

18 AMERICAN BLIND & WALLPAPER  
 19 FACTORY, INC., a Delaware corporation  
 d/b/a decoratetoday.com, Inc.,  
 20  
 Counter Plaintiff,  
 21  
 v.  
 22 GOOGLE INC.,  
 23  
 Counter Defendant.  
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Courtroom: 4  
 Judge: Hon. Richard Seeborg

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 DECLARATION OF AJAY S. KRISHNAN IN SUPPORT OF MOTION FOR ORDER SHORTENING TIME ON  
 PLAINTIFF'S MOTION TO COMPEL COUNTER-PLAINTIFF ABWF TO (1) PRODUCE DOCUMENTS, (2) PRODUCE  
 AN AFFIDAVIT DETAILING ABWF'S DOCUMENT COLLECTION EFFORTS, AND (3) SCHEDULE DEPOSITIONS  
 CASE NO. C 03-5340-JF (EAI)

1 I, Ajay S. Krishnan, declare as follows:

2 1. I am an attorney duly licensed to practice before this Court and an associate at the  
3 law firm of Kecker & Van Nest LLP in San Francisco. I represent plaintiff and counter-defendant  
4 Google Inc. (“Google”) in the above-captioned litigation. I have knowledge of the facts set forth  
5 herein, and if called to testify as a witness thereto, could do so competently under oath.

6 **Description of Motion to Compel Production**

7 2. Plaintiff and counter-defendant Google Inc.’s (“Google”) motion (the “motion to  
8 compel”) filed herewith seeks to compel counter-plaintiff American Blind & Wallpaper Factory,  
9 Inc. (“ABWF”) to (1) produce documents covered by Google’s first set of document requests, (2)  
10 produce an affidavit detailing ABWF’s document collection efforts, and (3) schedule the  
11 depositions that Google has noticed.

12 **Reasons for the Requested Shortening of Time and**  
13 **Prejudice That Would Occur If the Court Did Not Change Time**

14 3. Hearing the motion to compel on shortened time is justified because Google must  
15 be able to complete its fact discovery before the discovery cut-off. ABWF has consistently  
16 delayed producing documents to Google and scheduling depositions that Google has noticed. As  
17 a result of that delay, Google is now in danger of not being able to complete its fact discovery  
18 before the discovery cut-off. Because ABWF caused this delay, Google should not be forced to  
19 suffer its consequences.

20 4. The cut-off for fact discovery in this case is June 27, 2006. Civil L. R. 26–2  
21 states that a discovery cut-off is the date “by which all depositions must be concluded.” Google  
22 has not yet taken any depositions in this case because ABWF has not made its deponents  
23 available. Google first noticed a 30(b)(6) deposition of ABWF on February 15, 2006. As  
24 explained in detail in the accompanying motion to compel, ABWF has consistently been  
25 responsible for canceling or postponing that deposition. Although Google has now noticed  
26 several depositions, ABWF claims that it currently cannot schedule any of them. ABWF cites a  
27 change in management as the reason why it cannot currently schedule depositions.

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