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 7 GOOGLE INC. and Third-Party Defendants
 ASK JEEVES, INC. and EARTHLINK, INC.
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 GOOGLE INC., a Delaware corporation,
 13 Plaintiff,

14 v.

15 AMERICAN BLIND & WALLPAPER
 FACTORY, INC., a Delaware corporation
 16 d/b/a decoratetoday.com, Inc., and DOES 1-
 100, inclusive,
 17 Defendants.

18 AMERICAN BLIND & WALLPAPER
 19 FACTORY, INC., a Delaware corporation
 d/b/a decoratetoday.com, Inc.,

20 Counter Plaintiff,

21 v.

22 GOOGLE INC., AMERICA ONLINE, INC.,
 23 NETSCAPE COMMUNICATIONS
 CORPORATION, COMPUSERVE
 24 INTERACTIVE SERVICES, INC., ASK
 JEEVES, INC. and EARTHLINK, INC.,

25 Counter Defendant/
 26 Third-Party Defendants.

Case No. C 03-5340-JF

**DECLARATION OF MICHAEL H. PAGE
 IN SUPPORT OF GOOGLE INC.'S
 OPPOSITION TO AMERICAN BLIND &
 WALLPAPER, INC.'S [SIC] MOTION TO
 AMEND AND EXTEND CASE
 MANAGEMENT ORDER**

Date: June 23, 2006
 Time: 9:00 a.m.
 Dept: 3
 Judge: Honorable Jeremy Fogel

Date Comp. Filed: November 26, 2003

Trial Date: March 16, 2007

1 I, Michael H. Page, declare as follows:

2 1. I am an attorney licensed to practice in the State of California before this Court. I
3 am a partner at the law firm of Kecker & Van Nest, LLP, counsel for Google Inc. in this action.
4 The information below is stated on my own personal knowledge. I am a competent witness to
5 the facts set forth below, and if called as a witness and placed under oath, I would testify to the
6 truth of those facts.

7 2. On May 18, 2006, I defended the deposition of Prashant Fuloria. That deposition
8 was scheduled to begin at 9:30 a.m. Mr. Fuloria was delayed in traffic, and arrived at
9 approximately 10:15 a.m. He was not, as American Blind & Wallpaper Factory, Inc. ("ABWF")
10 claims, two hours late. Nonetheless, I readily agreed both to take as short a lunch break as the
11 court reporter needed and to stay late to complete the deposition. When the court reporter was
12 unable to stay late, I agreed to produce Mr. Fuloria again at a mutually convenient time to
13 complete his deposition.

14 3. On May 22, 2006, David Rammelt, counsel for ABWF, telephoned me. Mr.
15 Rammelt informed me that the ownership of ABWF had recently changed and that its CEO
16 Steve Katzman had resigned. I did not know prior to this conversation that ABWF was
17 considering a management or ownership change, or that one had actually taken place. ABWF
18 had previously informed Google that Mr. Katzman would testify in deposition on June 6, 2006
19 on behalf of ABWF in response to a deposition notice Google had served under Federal Rule of
20 Civil Procedure 30(b)(6). Mr. Rammelt informed me that as a result of Mr. Katzman's
21 resignation, ABWF was canceling the June 6 deposition, and that it was also canceling the
22 deposition of Rose Hagan, one of Google's 30(b)(6) designees. Additionally, Mr. Rammelt
23 stated that he would contact me "in a couple of days" regarding scheduling a new Rule 30(b)(6)
24 deposition.

25 4. After three days passed since my conversation with Mr. Rammelt without him
26 contacting me again, I sent him an email on May 25, 2006, requesting that he provide me with a
27 scheduling proposal. I thereafter left Mr. Rammelt two voicemails. Mr. Rammelt did not
28 contact me again until he returned my email on June 1, 2006. Mr. Rammelt's email did not

1 provide a proposal for when the 30(b)(6) deposition of ABWF would take place or state when
2 ABWF would produce documents that it had previously stated it would produce. I responded to
3 Mr. Rammelt with an email stating that Google would file a motion to compel. A true and
4 correct copy of the above email correspondence between me and Mr. Rammelt is attached hereto
5 as Exhibit A.

6 5. On June 1, 2006, Susan Greenspon, who is also counsel for ABWF, telephoned
7 me. During this telephone call Ms. Greenspon stated that ABWF would produce the documents
8 it had previously stated it would produce on June 5, 2006. ABWF did not produce any
9 documents to Google until today.

10 6. On June 7, 2006, Ms. Greenspon called me and requested that Google consent to
11 an extension of the case schedule. After consulting with my client, I advised Ms. Greenspon that
12 Google could not agree to another extension.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct.

15 Executed this 15th day of June, 2006, in San Francisco, California.

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/s/ Michael H. Page
MICHAEL H. PAGE

EXHIBIT A

Doris Joos

From: Michael Page
Sent: Thursday, June 01, 2006 9:00 AM
To: Rammelt David A.
Subject: RE: AB&WF

David:

Thanks for the update. Given the fast-approaching discovery cutoff, I think we will have to file our motion to compel shortly, but let's work on mootng it. Let me know when you have had time to talk to management.

Mike

From: Rammelt David A. [mailto:DRammelt@KelleyDrye.com]
Sent: Thursday, June 01, 2006 7:15 AM
To: Michael Page
Subject: RE: AB&WF

Mike,

Sorry for the delay. I was in Toronto last week, NY through yesterday, and I am now out the rest of this week.

This much I know -- Steve Katzman resigned and a new CEO is in place. We have an employee who is gathering the requested discovery materials. We have a conference call today to find out when we will be in a position to provide the supplementation you requested.

I have not had a meaningful discussions with new management about the direction they wish to take. I think they are swamped right now with the business. I hope to have something more concrete next week.

-----Original Message-----

From: Michael Page [mailto:MPage@KVN.com]
Sent: Thursday, May 25, 2006 8:16 PM
To: Rammelt David A.
Subject: AB&WF

What is status on this? You were going to get back to me this week with a scheduling proposal in light of the management change.

Pursuant to Treasury Regulations, any U.S. federal tax advice contained in this communication, unless otherwise stated, is not intended and cannot be used for the purpose of avoiding tax-related penalties.

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6/15/2006