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GOOGLE INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

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

13 v.

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

16 Defendants.

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

19 Counter Plaintiff,
20

21 v.

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

25 Counter Defendant/
Third-Party Defendants.

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

**DECLARATION OF KLAUS HAMM IN
SUPPORT OF GOOGLE INC.'S
OPPOSITION TO AMERICAN BLIND
AND WALLPAPER FACTORY, INC.'S
MOTION TO COMPEL GOOGLE TO
RESPOND TO DISCOVERY TIMELY
SERVED GIVEN THE CURRENT
CUTOFF DATE OF AUGUST 26, 2006**

Date: September 6, 2006

Time: 9:30 am

Dept: 4

Judge: Hon. Richard Seeborg

Date Comp. Filed: November 26, 2003

Trial Date: May 15, 2007

26 REDACTED VERSION
27
28

DECLARATION OF KLAUS H. HAMM IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO AMERICAN
BLIND & WALLPAPER FACTORY, INC.'S MOTION TO COMPEL GOOGLE TO RESPOND TO
DISCOVERY TIMELY SERVED GIVEN THE CURRENT CUTOFF DATE OF AUGUST 26, 2006.

CASE NO. C 03-5340-JF (RS)

1 I, Klaus H. Hamm, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate at the law firm of Kecker & Van Nest LLP, counsel for Plaintiff Google Inc. I am duly
4 admitted to practice law before this Court. Unless otherwise specified, the facts set forth herein
5 are known to me of my personal knowledge, and if called upon I can testify truthfully thereto.

6 **American Blind's Correspondence Discovery-Related During the Two Months**
7 **Prior to the June 27, 2006 Discovery Cut-Off¹**

8 2. On April 18, 2006, I received an email from David Rammelt, who is counsel for
9 American Blind & Wallpaper Factory, Inc. ("American Blind"). In that email, Mr. Rammelt
10 asked me "Who are the three remaining 30(b)(6) witnesses Google intends to produce?"

11 3. On May 1, 2006, I was copied on email correspondence between my colleague
12 Ajay Krishnan and Caroline Plater, who is counsel for American Blind. In that email
13 correspondence, Ms. Plater proposed that Google depose American Blind's Rule 30(b)(6)
14 designee on June 6, 2006.

15 4. On May 9, 2006, I received an email from Mr. Rammelt asking if Google has
16 "produced the consumer survey 'experiments' about which Mr. Fuloria testified in the Geico
17 case?"

18 5. On May 11, 2006, I received an email from Mr. Rammelt asking if Google would
19 make one of its 30(b)(6) designees, Rose Hagan, available for deposition on June 13, 2006.

20 6. On May 17, 2006, I received an email from Mr. Rammelt contending that Google
21 Inc.'s Objections and Responses to Amended Notice of Deposition and [Third Set of] Document
22 Requests, which Google had served earlier that day were not timely.

23 7. On May 18, 2006, I attended a portion of American Blind's Rule 30(b)(6)
24 deposition of Google designee Prashant Fuloria. Mr. Rammelt took that deposition on behalf of
25 American Blind.

26
27 ¹ This portion of the declaration describes email correspondence between attorneys for American
28 Blind and Google. Pursuant to Magistrate Judge Seeborg's Standing Order, this correspondence
is not attached. Google will provide this correspondence to the Court upon request.

List of Attached Exhibits

8. Attached hereto as Exhibit A is true and correct copy of the Transcript of Proceedings Before the Honorable Jeremy Fogel on June 23, 2006.

9. Attached hereto as Exhibit B is a true and correct copy of the Notice of Deposition of Larry Page, dated June 26, 2006.

10. Attached hereto as Exhibit C is a true and correct copy of the Notice of Deposition of Sergey Brin, dated June 26, 2006.

11. Attached hereto as Exhibit D is a true and correct copy of American Blind and Wallpaper Factory Inc.'s First Set of Requests for Admission to Google Inc., dated June 28, 2006.

12. Attached hereto as Exhibit E is a true and correct copy of a letter sent to me by Mr. Rammelt, and dated June 30, 2006.

13. Attached hereto as Exhibit F is a true and correct copy of Google Inc.'s Objections to Notice of Deposition of Larry Page, dated July 31, 2006.

14. Attached hereto as Exhibit G is a true and correct copy of Google Inc.'s Objection to Notice of Deposition of Sergey Brin, dated July 31, 2006.

15. Attached hereto as Exhibit H is a true and correct copy of Google Inc.'s Objections to American Blind and Wallpaper Factory Inc.'s First Set of Requests for Admission to Google Inc., dated July 31, 2006.

16. Attached hereto as Exhibit I is a true and correct copy of the Notice of Deposition of Britton Mauchline Picciolini, dated August 7, 2006.

17. Attached hereto as Exhibit J is a true and correct copy of the Notice of Deposition of Jessica Bluett, dated August 7, 2006.

18. Attached hereto as Exhibit K is a true and correct copy of the Notice of Deposition of Jane Butler, dated August 7, 2006.

19. Attached hereto as Exhibit L is a true and correct copy of the Notice of Deposition of Rick Steele, dated August 7, 2006.

20. Attached hereto as Exhibit M is a true and correct copy of the Notice of

1 Deposition of Bismarck Lepe, dated August 7, 2006.

2 21. Attached hereto as Exhibit N is a true and correct copy of the Notice of
3 Deposition of Lashika Samarasinghe, dated August 7, 2006.

4 22. Attached hereto as Exhibit O is a true and correct copy of the Notice of
5 Deposition of Salar Kamangar, dated August 8, 2006.

6 23. Attached hereto as Exhibit P is a true and correct copy of the Amended Notice of
7 Deposition And Document Requets, dated April 26, 2006.

8 24. Attached hereto as Exhibit Q is a true and correct copy of email correspondence
9 dated May 26, 2006 and Bates numbered ABWF 047376 – ABWF047377. Google has under
10 separate cover requested that this document be filed under seal.

11 25. Attached hereto as Exhibit R is a true and correct copy of American Blind &
12 Wallpaper Factory, Inc.'s Responses to Google Inc.'s Second Set of Requests for Admission,
13 dated June 9, 2006.

14 26. Attached hereto as Exhibit S is a true and correct copy of American Blind &
15 Wallpaper Factory, Inc.'s Responses to Google Inc.'s Second Set of Requests for Production of
16 Documents and Things, dated June 19, 2006.

17 27. Attached hereto as Exhibit T is a true and correct copy of American Blind &
18 Wallpaper Factory Inc.'s Answer to Google Inc.'s Second Set of Interrogatories, dated June 19,
19 2006.

20 28. Attached hereto as Exhibit U is a true and correct copy of American Blind &
21 Wallpaper Factory, Inc.'s Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26,
22 dated April 27, 2005.

23 29. Attached hereto as Exhibit V is a true and correct copy of a document Bates
24 labeled GOOGLE 005127 – GOOGLE 005128. Google has under separate cover requested that
25 this document be filed under seal.

26 30. Attached hereto as Exhibit W is a true and correct copy of a document Bates
27 labeled GOOGLE 004761 – GOOGLE 004762. Google has under separate cover requested that
28 this document be filed under seal.

31. Attached hereto as Exhibit X is at true and correct copy of Plaintiff/Counterdefendant Google Inc. and Third-Party Defendants Ask Jeeves, Inc. and Earthlink. Inc.'s Initial Disclosures Pursuant to Rule 26 of the Federal Rules of Civil Procedure, and dated April 27, 2005.

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

Executed this 16th day of August, 2006, in San Francisco, California.

/s/ Klaus H. Hamm
KLAUS H. HAMM