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6 Attorneys for Plaintiff and Counter Defendant  
 GOOGLE INC.

7  
 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.

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 (RS)

**RESPONSIVE DECLARATION OF  
 KLAUS H. HAMM RE MOTION FOR  
 ADMINISTRATIVE RELIEF SEEKING  
 AN ORDER SEALING DOCUMENTS  
 FOR FILING IN RELATION TO  
 DEFENDANTS AMERICAN BLIND &  
 WALLPAPER FACTORY, INC.'S REPLY  
 IN SUPPORT OF 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

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 28 RESPONSIVE DECLARATION OF KLAUS H. HAMM RE MOTION FOR ADMINISTRATIVE RELIEF  
 SEEKING AN ORDER SEALING DOCUMENTS FOR FILING IN RELATION TO DEFENDANTS  
 AMERICAN BLIND & WALLPAPER FACTORY, INC.'S REPLY IN SUPPORT OF 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 associated with the firm of Kecker & Van Nest LLP, counsel for Plaintiff  
3 Google Inc., and am admitted to practice before this Court.

4 2. I make this responsive declaration pursuant to Civil Local Rule 79-5(d) regarding the  
5 Motion For Administrative Relief Seeking An Order Sealing Documents For Filing In Relation  
6 To Defendant American Blind And Wallpaper Factory, Inc.'s Reply In Support Of Motion To  
7 Compel Google To Respond To Discovery Timely Served Given The Current Cutoff Date Of  
8 August 26, 2006 ("American Blind's Sealing Motion"). Unless otherwise stated, I know the facts  
9 stated herein of my personal knowledge and if called as a witness, I would testify competently  
10 thereto.

11 3. American Blind's Motion requests an order sealing: (a) Exhibit B to the Supplemental  
12 Declaration of Caroline C. Plater ("Plater Supplemental Declaration"); (b) Exhibit C to the Plater  
13 Supplemental Declaration; and (c) portions of American Blind And Wallpaper Factory, Inc.'s  
14 Reply In Support Of Motion To Compel Google To Respond To Discovery Timely Served  
15 Given The Current Cutoff Date Of August 26, 2006 ("American Blind's Reply Brief");

16 4. Exhibit B to the Plater Supplemental Declaration is the entire 211-page transcript of  
17 American Blind's August 8, 2006 deposition of Google employee Rose Hagan. It is unclear why  
18 American Blind unnecessarily filed the entire transcript with the Court when American Blind's  
19 Reply Brief refers to only two pages from that transcript. In any case, that transcript contains  
20 Google's confidential business information and business plans. For example, Page 105 relates to  
21 the possibility that Google may change certain policies.

22 5. Exhibit C to the Plater Supplemental Declaration likewise contains Google's  
23 confidential business information, including highly sensitive information about Google's  
24 negotiations with one of its major customers.

25 6. The redacted portions of American Blind's Reply brief contains references to and  
26 quotations from Exhibits B and C of the Plater Supplemental Declaration.

27 I state under penalty of perjury of the laws of the United States of American that the

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1 foregoing statements are true and correct and that this declaration was executed on August 28,  
2 2006.

3  
4 /s/ Klaus H. Hamm  
KLAUS H. HAMM

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