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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 MICHAEL H. PAGE  
 IN SUPPORT OF COUNTER-  
 DEFENDANT GOOGLE INC.'S MOTION  
 TO COMPEL COUNTER-PLAINTIFF  
 ABWF TO SATISFY OUTSTANDING  
 DISCOVERY OBLIGATIONS**

Date: October 18, 2006  
 Time: 9:30 a.m.  
 Courtroom: 4  
 Judge: Hon. Richard Seeborg

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.  
 24

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

2 1. I am an attorney duly licensed to practice before this Court and a partner at the  
3 law firm of Kecker & Van Nest LLP in San Francisco. I represent Plaintiff Google Inc. in the  
4 above-captioned litigation. Unless otherwise specified, 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 2. Attached hereto as **EXHIBIT A** is a true and correct copy of pages 105 to 112 of  
7 the deposition transcript of Jeffrey Alderman.

8 3. On August 4, 2006, I took the deposition of Jeffrey Alderman, the Director of  
9 Business Development and E-Commerce of American Blind and Wallpaper Factory (“ABWF”).

10 4. The attached Exhibit A shows the following: Mr. Alderman testified about an  
11 experiment ABWF conducted in roughly May and June of 2006. He testified that the experiment  
12 involved a 6-week prohibition on affiliate bidding on ABWF’s branded keywords in search  
13 engine advertising. Mr. Alderman testified that the resulting decline in traffic to ABWF’s  
14 website from its affiliates was lost to competitors, and not recouped by ABWF either through  
15 ABWF’s own search engine advertising or through its natural search results. Specifically, Mr.  
16 Alderman testified that he had relied on an analysis of ABWF’s natural search results to draw  
17 this conclusion. During the deposition, Paul Garrity, counsel for ABWF, stated that ABWF  
18 would produce the documents that Mr. Alderman relied on in drawing his conclusions about the  
19 6-week affiliate bidding experiment (the “Alderman documents”).

20 5. I never heard back from Mr. Garrity about this issue. On August 14, 2006, I  
21 wrote a letter to ABWF counsel David Rammelt to inquire about the Alderman documents. Mr.  
22 Rammelt did not respond to that letter. On August 28, I again raised the issue in a letter to Mr.  
23 Rammelt. In an August 30, 2006 letter, Mr. Rammelt referred me to a set of documents that  
24 ABWF had already produced. After reviewing these documents, it became clear that this could  
25 not have been the complete set of Alderman documents because the documents to which Mr.  
26 Rammelt referred me did not include any analysis of ABWF’s natural search results. I conveyed  
27 this point to Mr. Rammelt in an August 31, 2006 letter.

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1           6.       On August 31, 2006, Mr. Rammelt sent me an email asking me to identify the  
2 document requests to which the Alderman documents responded. That same day, I provided Mr.  
3 Rammelt with eight document requests that covered the Alderman documents.

4           7.       On September 5, 2006, Caroline Plater, an attorney for ABWF, faxed a letter to  
5 Keker & Van Nest, in which she stated that eleven pages of Alderman documents had not yet  
6 been produced. She did not explain why these eleven pages of Alderman documents had not  
7 been produced previously. On September 6, 2006, Ms. Plater faxed those eleven pages to Keker  
8 & Van Nest. In her cover letter, Ms. Plater stated that these eleven pages of documents were  
9 "Coremetrics reports" for the period of June 25, 2006 to July 1, 2006. I have reviewed those  
10 documents and am unclear as to how Mr. Alderman might have drawn the conclusions to which  
11 he testified based on those eleven pages of documents. Additionally, these newly produced  
12 documents do not appear to include any analysis of ABWF's natural search results.

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

16           Executed this 7th day of September, 2006, in San Francisco, California.

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19   /s/ Michael Page            
20   MICHAEL H. PAGE