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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,

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

13 v.

**DECLARATION OF KLAUS H. HAMM
 RE: MOTION FOR ADMINISTRATIVE
 RELIEF SEEKING AN ORDER SEALING
 DOCUMENTS FOR FILING
 [REGARDING DOCUMENTS FILED BY
 AMERICAN BLIND & WALLPAPER
 FACTORY, INC.]**

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.

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 DECLARATION OF KLAUS H. HAMM RE: MOTION FOR ADMINISTRATIVE RELIEF SEEKING AN
 ORDER SEALING DOCUMENTS FOR FILING [REGARDING DOCUMENTS FILED BY AMERICAN BLIND
 & WALLPAPER FACTORY, INC.]
 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. The facts set forth herein are known
4 to me of my personal knowledge, and if called upon I can testify truthfully thereto.

5 2. Exhibit G to the Declaration of Paul W. Garrity in Support of Defendant
6 American Blind & Wallpaper Factory, Inc.'s Opposition to Google Inc's Motion for Summary
7 Judgment is a copy of the deposition transcript of Alana Karen, taken on April 12, 2006. This
8 deposition transcript has been designated "Confidential – Attorneys' Eyes Only" pursuant to the
9 protective order governing this case. Also attached under Exhibit G are Exhibits 2 and 4 to the
10 deposition of Alana Karen. Exhibit 4 is a document produced by Google Inc. as GGE004786 –
11 GGE004787 and designated "Confidential – Attorneys' Eyes Only" pursuant to the protective
12 order governing this case.

13 3. Exhibit H to the Declaration of Paul W. Garrity in Support of Defendant's
14 Opposition to Google Inc's Motion for Summary Judgment is a copy of the deposition transcript
15 of Rose Hagan, taken on August 10, 2006. This deposition transcript has been designated
16 "Confidential – Attorneys' Eyes Only" pursuant to the protective order governing this case.
17 Also attached under Exhibit H are Exhibits 6, 14 and 16 to the deposition transcript of Rose
18 Hagan. Exhibit 6 is a document produced by Google Inc. as GOOGLE 008758 – GOOGLE
19 008836, and designated "Confidential – Attorneys' Eyes Only" pursuant to the protective order
20 governing this case. Exhibit 14 is a document produced by Google Inc. as GOG 01200 – GOG
21 01212, and designated "Confidential" pursuant to the protective order governing this case.
22 Exhibit 16 is a document produced by Google Inc. as GGE005656 – GGE005663 and designated
23 "Confidential – Attorneys' Eyes Only" pursuant to the protective order governing this case.

24 4. Exhibit I to the Declaration of Paul W. Garrity in Support of Defendant's
25 Opposition to Google Inc's Motion for Summary Judgment is a copy of the deposition transcript
26 of Larry Page, taken on January 10, 2007. This deposition transcript has been designated
27 "Confidential – Attorneys' Eyes Only" pursuant to the protective order governing this case.

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1 Also attached under Exhibit I is Exhibit 9 to the deposition transcript of Larry Page. Exhibit 9 is
2 a document produced by Google as GGLE0019888 - GGLE0019889, and designated
3 “Confidential – Attorneys’ Eyes Only” pursuant to the protective order governing this case.

4 5. Exhibit K to the Declaration of Paul W. Garrity in Support of Defendant’s
5 Opposition to Google Inc’s Motion for Summary Judgment are copies of the deposition
6 transcripts of Prashant Fuloria, taken on May 18, 2006 and August 9, 2006. These deposition
7 transcripts contain highly confidential information pursuant to the protective order in this matter
8 and although they do not appear to bear the designation Confidential – Attorneys’ Eyes Only,
9 this omission is an oversight and throughout this litigation both parties have treated these
10 transcripts as if they were so designated. Also attached under Exhibit K are Exhibits 3, 21 and
11 22 to the deposition of Prashant Fuloria. Exhibit 3 is a document produced by Google Inc. as
12 GOOGLE 33576 – GOOGLE 33582, , Exhibit 21 is a document produced by Google Inc. as
13 GOOGLE 034467 – GOOGLE 034471, and Exhibit 22 is a document produced by Google Inc.
14 as GGE004816 – GGE004821. These documents have been designated “Confidential –
15 Attorneys’ Eyes Only” pursuant to the protective order governing this case.

16 6. American Blind & Wallpaper Factory, Inc.’s Opposition to Google’s Motion for
17 Summary Judgment quotes from and characterizes material from Exhibits G, H, I, and K, which
18 have been designated “Confidential” or “Confidential – Attorneys’ Eyes Only” pursuant to the
19 Protective Order in this matter

20 7. The deposition transcripts and corresponding exhibits filed as Exhibits G, H, I and
21 K to the Declaration of Paul Garrity In Support of American Blind & Wallpaper Factory, Inc.’s
22 Opposition to Google Inc.’s Motion for Summary Judgment are of Google personnel and contain
23 highly confidential information regarding Google Inc. For these reasons, and pursuant to Local
24 Rule 79-5(d), Google Inc. requests that American Blind & Wallpaper Factory, Inc. Opposition to
25 Google Inc.’s Motion for Summary Judgment, and Exhibits G, H, I and K to the Declaration of
26 Paul Garrity In Support of American Blind & Wallpaper Factory, Inc. Opposition to Google
27 Inc.’s Motion for Summary Judgment be filed under seal.

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