

1 KEKER & VAN NEST, LLP  
 MICHAEL H. PAGE - #154913  
 2 MARK A. LEMLEY - #155830  
 KLAUS H. HAMM - #224905  
 3 AJAY S. KRISHNAN - #222476  
 710 Sansome Street  
 4 San Francisco, CA 94111-1704  
 Telephone: (415) 391-5400  
 5 Facsimile: (415) 397-7188

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 (RS)

**SUPPLEMENTAL DECLARATION OF  
 AJAY S. KRISHNAN IN SUPPORT OF  
 GOOGLE'S MOTION FOR  
 TERMINATING, EVIDENTIARY AND  
 MONETARY SANCTIONS AGAINST  
 ABWF FOR SPOILIATION OF  
 EVIDENCE**

Date: February 16, 2007  
 Time: 9 a.m.  
 Courtroom: 3, 5th Floor  
 Judge: Hon. Jeremy Fogel

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, Ajay S. Krishnan, declare as follows:

2 1. I am an attorney at the firm of Kecker & Van Nest LLP, counsel for Plaintiff and  
3 Counter-Defendant Google Inc., and am admitted to practice before this Court. I make this  
4 supplemental declaration in support of Google's Motion for Terminating, Evidentiary and  
5 Monetary Sanctions Against American Blind & Wallpaper Factory, Inc. ("ABWF") for  
6 Spoliation of Evidence. Unless otherwise stated, I know the facts stated herein of my personal  
7 knowledge and if called as a witness, I would testify competently thereto.

8 2. Attached hereto as Exhibit A is a true and correct copy of a letter from me to  
9 ABWF attorney Caroline Plater, dated July 21, 2006.

10 3. Attached hereto as Exhibit B is a true and correct copy of a letter from Ms. Plater  
11 to me, dated July 26, 2006.

12 4. Attached hereto as Exhibit C is a true and correct copy of an email exchange  
13 between Google attorney Michael Page and ABWF attorney David Rammelt, on which I was  
14 copied, and which was dated January 23, 2007.

15 5. On December 5, 2006, Ms. Plater sent me a PDF copy of the Declaration of Joel  
16 Levine by email. Exhibit E of Declaration of Susan Greenspon in Support of Defendant  
17 American Blind and Wallpaper Factory, Inc.'s Opposition to Google Inc.'s Motion for  
18 Terminating, Evidentiary, and Monetary Sanctions Against ABWF for Spoliation of Evidence  
19 (Docket Item No. 258) appears to be a true and correct copy of that declaration.

20 I state under penalty of perjury of the laws of the United States of American that the  
21 foregoing statements are true and correct. Executed February 2, 2007, at San Francisco,  
22 California.

23  
24  
25  
26  
27  
28

/s/ Ajay S. Krishnan  
AJAY S. KRISHNAN