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 AMERICAN BLIND AND WALLPAPER
 10 FACTORY, INC.

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 GOOGLE INC., a Delaware corporation,

14 Plaintiff,

15 v.

16 AMERICAN BLIND & WALLPAPER
 FACTORY, INC., a Delaware corporation
 17 d/b/a decoratetoday.com, Inc.; and DOES 1-
 18 100, inclusive,

19 Defendants.

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

22 Counter-Plaintiff,

23 v.

24 GOOGLE, INC.

25 Counter-Defendants.

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

**DECLARATION OF CAROLINE C.
 PLATER IN SUPPORT OF AMERICAN
 BLIND AND WALLPAPER FACTORY,
 INC.'S RESPONSE TO GOOGLE INC.'S
 MOTION FOR ADMINISTRATIVE
 RELIEF SEEKING LEAVE TO FILE A
 NON-ARGUMENTATIVE STATEMENT
 OF RECENT DECISION**

1 I, Caroline C. Plater, declare as follows:

2 1. I am an associate at Kelley Drye & Warren LLP, counsel of record for
3 Defendant/Counter-Plaintiff American Blind & Wallpaper Factory, Inc. (“American Blind”) in
4 the above-captioned action. I am a member in good standing of the State Bar of Illinois. I have
5 personal knowledge of the facts set forth in this declaration and, if called as a witness, could and
6 would testify competently to such facts under oath:
7

8 2. On March 1, 2007, I spoke with Ajay S. Krishnan, counsel for Google Inc.
9 (“Google”), regarding Google’s request for a stipulation allowing for Google to seek leave to file
10 a Statement of Recent Decision. At that time, Mr. Krishnan notified me that the decision Google
11 sought to submit was *Universal Communications Systems, Inc. v. Lycos, Inc.*, -- F.3d --, No. 06-
12 1826, 2007 WL 549111 (1st Cir. Feb. 23, 2007).

13 3. On March 2, 2007, after I had reviewed the *Universal* case, I sent Mr. Krishnan a
14 letter detailing the reasons why American Blind could not stipulate to the submission of the
15 *Universal* case; addressing the four main reasons why the case was not relevant to Google’s
16 motion for summary judgment. A copy of that letter is attached hereto as Exhibit A.

17 4. On March 2, 2007, after receiving my letter, Mr. Krishnan again asked if
18 American Blind would stipulate so long as Google noted American Blind’s objection to the
19 relevance of the *Universal* case. I informed Mr. Krishnan by phone and later by email that
20 American Blind could not stipulate to this motion because a stipulation would be in direct
21 contradiction to our relevance objection given that Google’s motion was being brought under
22 Civil Local Rule 7.3(d).
23
24

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed this 7th day of March 2007, in Chicago, Illinois.

27 /s/ Caroline C. Plater
28 CAROLINE C. PLATER