

1 Robert N. Phillips (SBN 120970)
 Ethan B. Andelman (SBN 209101)
 2 HOWREY LLP
 525 Market Street, Suite 3600
 3 San Francisco, CA 94105
 Telephone: (415) 848-4900
 4 Facsimile: (415) 848-4999

5 David A. Rammelt (Admitted *Pro Hac Vice*)
 Susan J. Greenspon (Admitted *Pro Hac Vice*)
 6 KELLEY DRYE & WARREN LLP
 333 West Wacker Drive, Suite 2600
 7 Chicago, IL 60606
 Telephone: (312) 857-7070
 8 Facsimile: (312) 857-7095

9 Attorneys for Defendant/Counter-Plaintiff
 AMERICAN BLIND AND WALLPAPER
 10 FACTORY, INC.

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 GOOGLE INC., a Delaware corporation,

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

14 Plaintiff,

DECLARATION OF JOSEPH CHARNO

15 v.

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

19 Defendants.

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

22 Counter-Plaintiff,

23 v.

24 GOOGLE, INC.

25 Counter-Defendants.

26
 27
 28

1 I, JOSEPH CHARNO, am over the age of 18 and have personal knowledge of the
2 matters set forth in this declaration, and in connection therewith state as follows:

3
4 1. I was employed by American Blind and Wallpaper Factory, Inc.
5 ("American Blind") as Vice President of Marketing from July 2002 until I resigned in July 2005.
6 As a result of my former position at American Blind, I became familiar with the issues in the
7 lawsuit between Google and American Blind.

8
9 2. After the filing of the lawsuit by Google, in 2003, I participated in a
10 meeting with Steve Katzman, then CEO of American Blind, and outside counsel from Kelley
11 Drye & Warren LLP, Susan Greenspon and David Rammelt. At that meeting Ms. Greenspon
12 and Mr. Rammelt addressed the need for me and Steve Katzman, on behalf of American Blind, to
13 collect and preserve relevant documents to the Google litigation.

14
15 3. I recall counsel explaining to myself and Steve Katzman, at that same
16 meeting in 2003, that we (American Blind) needed to collect all Google related documents from
17 everyone's computer and any other location where relevant documents might be found. Counsel
18 also instructed us to preserve all relevant documents to this lawsuit at that time.

19
20 I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and accurate.

22
23 Executed this 12 day of January, 2007.

24
25
26 
27 JOSEPH CHARNO