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6 Attorneys for Plaintiff and Counter Defendant  
 7 GOOGLE INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 GOOGLE INC., a Delaware corporation,  
 11 Plaintiff,

12 v.

13 AMERICAN BLIND & WALLPAPER  
 14 FACTORY, INC., a Delaware corporation  
 15 d/b/a decoratetoday.com, Inc., and DOES 1-  
 100, inclusive,  
 16 Defendants.

17 AMERICAN BLIND & WALLPAPER  
 18 FACTORY, INC., a Delaware corporation  
 19 d/b/a decoratetoday.com, Inc.,  
 20 Counter-Plaintiff,

21 v.

22 GOOGLE INC.,  
 23 Counter-Defendant.

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

**DECLARATION OF AJAY S. KRISHNAN  
 IN SUPPORT OF PARTIES'  
 STIPULATED REQUEST TO SET  
 BRIEFING SCHEDULE ON GOOGLE  
 INC.'S FORTHCOMING (1) RENEWED  
 MOTION FOR SUMMARY JUDGMENT,  
 AND (2) MOTION TO STRIKE ABWF'S  
 JURY DEMAND**

Judge: Hon. Jeremy Fogel  
 Date Comp. Filed: November 26, 2003  
 Trial Date: November 13, 2007

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 declaration in support of the Parties' Stipulated Request to Set Briefing Schedule on Google  
5 Inc.'s Forthcoming (1) Renewed Motion for Summary Judgment, and (2) Motion to Strike  
6 ABWF's Jury Demand (the "Stipulated Request"). Unless otherwise stated, I know the facts  
7 stated herein of my personal knowledge and if called as a witness, I would testify competently  
8 thereto.

9 2. Google intends to file, in the near future, two motions, a Renewed Motion for  
10 Summary Judgment, and a Motion to Strike ABWF's Jury Demand. After conferring with  
11 counsel for ABWF, Google learned that both parties would be available for a civil law-and-  
12 motion hearing on September 28, 2007, at 9:00 a.m. I therefore contacted the Court's chambers  
13 and reserved time on the Court's civil law-and-motion calendar for that date and time.

14 3. Both parties would benefit from an additional week to file opposition and reply  
15 briefs with regard to Google's two forthcoming motions. Accordingly, the parties agreed to a  
16 briefing schedule, set out in the Stipulated Request, that would provide this additional time.

17 4. Other than requiring Google and ABWF to file their opening and opposition  
18 briefs earlier than they otherwise would have, this stipulated briefing schedule will have no  
19 impact on the schedule for the case.

20 5. Pursuant to Civil Local Rule 6-2(a)(3), the remainder of this declaration  
21 discloses, to the best of my knowledge, all previous time modifications in this case.

22 6. On May 16, 2005, the Court adopted following schedule:

23 Cutoff of Fact Discovery	February 27, 2006
24 All Parties' Expert Reports Due	March 31, 2006
25 Rebuttal Expert Reports Due	May 15, 2006
26 Cutoff of Expert Discovery	June 30, 2006
27 Cutoff for filing Dispositive Motions	July 31, 2006

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1 Pretrial Conference Statement October 2, 2006  
2 Pretrial Conference October 13, 2006 at 11:00 a.m.  
3 Trial Date November 17, 2006 at 11:00 a.m.

4 *See* May 16, 2005 Order (Docket Item No. 57).

5 7. On February 16, 2006, the Court issued an order stating “The Court extends all  
6 case management dates by 4 months. The case is set for jury trial on 3/16/07 at 1:30 p.m, pretrial  
7 conference on 3/2/07 at 11:00 a.m. and motion hearing on 12/1/06 at 9 a.m.” *See* February 16,  
8 2006 Order (Docket Item No. 95).

9 8. On June 23, 2006, the Court issued an order stating that “the Court will amend  
10 and extend the case management dates by only sixty (60) days.” *See* June 23, 2006 Order  
11 Granting In Part Defendant’s Motion To Extend Case Management Deadlines (Docket Item No.  
12 113).

13 9. On August 31, 2006, the Court extended the deadline for the serving of expert  
14 reports from September 29, 2006 to November 14, 2006 and extended the deadline for the  
15 serving of rebuttal expert reports from November 14, 2006 to December 5, 2006. *See* Stipulation  
16 and Order Amending Case Management Dates for Expert Reports (Docket Item No. 180).

17  
18 I state under penalty of perjury of the laws of the United States of America that the  
19 foregoing statements are true and correct. Executed August 8, 2007, at San Francisco,  
20 California.

21  
22 /s/ Ajay S. Krishnan  
23 AJAY S. KRISHNAN  
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