

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.

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

**DECLARATION OF KLAUS H. HAMM
 IN SUPPORT OF GOOGLE'S MOTION
 TO STRIKE ABWF'S JURY DEMAND**

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

Date: September 28, 2007
 Time: 9 a.m.
 Courtroom: 3, 5th Floor
 Judge: Hon. Jeremy Fogel

Date Comp. Filed: November 26, 2003

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

Trial Date: November 13, 2007

20 v.
 21 GOOGLE INC.,
 22 Counter Defendant

1 I, Klaus H. Hamm, declare as follows:

2 1. I am associated with the firm of Kecker & Van Nest LLP, counsel for Plaintiff and
3 Counter Defendant Google Inc., and am admitted to practice before this Court. The facts set
4 forth herein are known to me of my personal knowledge, and if called upon I can testify
5 truthfully thereto.

6 2. Attached hereto as Exhibit A is a true and correct copy of a document from the
7 Google website entitled "Google AdWords Editorial Guidelines," and Bates labeled
8 GGL002960 – GGL002965.

9 3. Attached hereto as Exhibit B is a true and correct copy of a document printed
10 from the Google website entitled "Learning Center," and Bates labeled GGL002921 –
11 GGL002932.

12 4. Attached hereto as Exhibit C is a true and correct copy of Google Inc.'s
13 Advertising Terms and Conditions. The document is Bates labeled GGL002958 – GGL002959.

14 5. Attached hereto as Exhibit D is a true and correct copy of Google's First Set of
15 Interrogatories to American Blind & Wallpaper Factory, Inc., dated May 21, 2004.

16 6. Attached hereto as Exhibit E is a true and correct copy of American Blind &
17 Wallpaper Factory, Inc.'s Answers to Google, Inc.'s First Set of Interrogatories, dated June 10,
18 2005.

19 7. Attached hereto as Exhibit F is a true and correct copy of a letter from myself to
20 David A. Rammelt, counsel for American Blind & Wallpaper Factory, Inc., dated November 10,
21 2005.

22 8. Attached hereto as Exhibit G is a true and correct copy of a letter from myself to
23 Mr. Rammelt, dated December 5, 2005.

24 9. Attached hereto as Exhibit H is a true and correct copy of a letter from myself to
25 Mr. Rammelt. Due to a typographical error, this letter is erroneously dated February 9, 2005. In
26 fact, I had this letter faxed to Mr. Rammelt on February 9, 2006.

27 10. Attached hereto as Exhibit I is a true and correct copy of a letter from Caroline
28 Plater to myself, dated February 17, 2006.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I state under penalty of perjury of the laws of the United States of American that the foregoing statements are true and correct and that this declaration was executed in San Francisco, California on August 10, 2007.

/s/ Klaus H. Hamm
KLAUS H. HAMM