

1 P. CRAIG CARDON, Cal. Bar No. 168646
 BRIAN R. BLACKMAN, Cal. Bar No. 196996
 2 KENDALL M. BURTON, Cal. Bar No. 228720
 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
 3 Four Embarcadero Center, 17th Floor
 San Francisco, California 94111-4106
 4 Telephone: 415-434-9100
 Facsimile: 415-434-3947
 5

6 TIMOTHY H. KRATZ (*Admitted Pro Hac Vice*)
 LUKE ANDERSON (*Admitted Pro Hac Vice*)
 7 MCGUIRE WOODS, L.L.P
 1170 Peachtree Street, N.E., Suite 2100
 8 Atlanta, Georgia 30309
 Telephone: 404.443.5500
 9 Facsimile: 404.443.5751

10 Attorneys for DIGITAL ENVOY, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 DIGITAL ENVOY, INC.,
 15 Plaintiff/Counter defendant,
 16 v.
 17 GOOGLE, INC.,
 18 Defendant/Counterclaimant.

Case No. C 04 01497 RS

PROOF OF SERVICE BY OVERNIGHT MAIL

Date: March 16, 2005
Time: 9:30 a.m.
Courtroom: 4, 5th Floor

The Honorable Richard Seeborg

20
 21
 22
 23
 24
 25
 26
 27
 28

1 I am employed in the County of San Francisco; I am over the age of eighteen years
2 and not a party to the within entitled action; my business address is Four Embarcadero Center,
17th Floor, San Francisco, California 94111-4106.

3 On **March 9, 2005**, I served the following documents described as

4 **DIGITAL ENVOY, INC.'S MEMORANDUM IN OPPOSITION TO GOOGLE, INC.'S**
5 **MOTION FOR PARTIAL SUMMARY JUDGMENT**

6 **DECLARATION OF TIMOTHY KRATZ IN SUPPORT OF DIGITAL ENVOY, INC.'S**
7 **MEMORANDUM IN OPPOSITION TO GOOGLE, INC.'S MOTION FOR PARTIAL**
8 **SUMMARY JUDGMENT**

9 on the interested parties in this action by placing true copies thereof enclosed in
10 sealed envelopes and/or packages addressed as follows:

11 David Kramer, Esq.
12 David L. Lansky, Esq.
13 Wilson Sonsini Goodrich & Rosati
14 650 Page Mill Road
15 Palo Alto, CA 94304

16 **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing
17 correspondence for mailing. Under that practice it would be deposited with the U.S. postal
18 service on that same day with postage thereon fully prepaid at San Francisco, California in
19 the ordinary course of business. I am aware that on motion of the party served, service is
20 presumed invalid if postal cancellation date or postage meter date is more than one day
21 after date of deposit for mailing in affidavit.

22 **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on
23 the same day to an authorized courier or driver authorized by the overnight service carrier
24 to receive documents, in an envelope or package designated by the overnight service
25 carrier.

26 **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to
27 Rule 2008 of the California Rules of Court. The telephone number of the sending
28 facsimile machine was 415-434-3947. The name(s) and facsimile machine telephone
number(s) of the person(s) served are set forth in the service list.

STATE: I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

FEDERAL: I declare that I am employed in the office of a member of the bar of this
Court at whose direction the service was made. I declare under penalty of perjury under
the laws of the United States of America that the foregoing is true and correct.

Executed on **March 9, 2005**, at San Francisco, California.


Jane Gors