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10 Attorneys for Defendant/Counterclaimant  
11 Google Inc.

12 UNITED STATES DISTRICT COURT  
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14 NORTHERN DISTRICT OF CALIFORNIA  
15  
16 SAN JOSE DIVISION  
17

18 DIGITAL ENVOY, INC.,	)	CASE NO. C 04 01497 RS
	)	
19 Plaintiff/Counterdefendant,	)	<b>SUPPLEMENTAL DECLARATION</b>
	)	<b>OF DAVID H. KRAMER IN</b>
20 v.	)	<b>SUPPORT OF GOOGLE INC.'S</b>
	)	<b>MOTION FOR SUMMARY</b>
21 GOOGLE INC.,	)	<b>JUDGMENT</b>
	)	
22 Defendant/Counterclaimant.	)	Judge: Hon. Richard Seeborg
	)	Courtroom: 4, 5 <sup>th</sup> Floor
	)	Date: March 30, 2005
	)	Time: 9:30 a.m.
	)	
	)	

1 I, David H. Kramer, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California and before  
3 this Court. I am a member at Wilson Sonsini Goodrich & Rosati, counsel for defendant and  
4 counterclaimant Google, Inc. ("Google"). I have personal knowledge of the facts set forth herein  
5 and, if called as a witness, could and would testify competently thereto.

6 2. Attached hereto as Exhibit N is a true and correct copy of Digital Envoy, Inc.'s  
7 Responses to Google, Inc.'s Second Set of Interrogatories, Interrogatory Nos. 5 and 6.

8 3. Attached hereto as Exhibit O is a true and correct copy of a Digital Envoy press  
9 release, dated December 11, 2000. This document was authenticated at the deposition of Rob  
10 Friedman during his deposition on November 17, 2004, and marked as Defendant's Exhibit 11.

11 4. Attached hereto as Exhibit P is a true and correct copy of the Product and Electronic  
12 Database Evaluation and License Agreement between 24/7 Media and Digital Envoy, Inc.,  
13 entered into as of November 22, 2000. This document was authenticated by Rob Friedman  
14 during his deposition on November 17, 2004, and marked as Defendant's Exhibit 12.

15 5. Attached hereto as Exhibit Q is a true and correct copy of an email from Sanjay  
16 Parekh of Digital Envoy to Mike Polk of Advertising.com, dated June 26, 2003, attaching Digital  
17 Envoy marketing materials regarding Advertising.com's use of Digital Envoy's data in its online  
18 advertising network. The document was produced by Advertising.com in response to a subpoena  
19 issued by Google Inc.

20 6. Attached hereto as Exhibit R is a true and correct copy of the Electronic Database  
21 License Agreement between Advertising.com, Inc. and Digital Envoy, Inc., entered into as of  
22 March 10, 2000. This document was authenticated by Rob Friedman during his deposition on  
23 November 17, 2004, and marked as Defendant's Exhibit 13.

24 7. Attached hereto as Exhibit S is a true and correct copy of Digital Envoy Due  
25 Diligence Replay of Conversation, dated April 5, 2001, produced in this action by Digital Envoy  
26 at Bates numbers DE009243-DE009244. This document was authenticated by Rob Friedman  
27 during his deposition on November 17, 2004, and marked as Defendant's Exhibit 41.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct. Executed on March 16, 2005, at Palo Alto, California.

3 /s/ David H. Kramer

4 David H. Kramer  
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