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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

**SECOND SUPPLEMENTAL
 DECLARATION OF TIMOTHY H.
 KRATZ IN OPPOSITION TO GOOGLE,
 INC.'S TWO MOTIONS FOR
 SUMMARY JUDGMENT AND IN
 SUPPORT OF DIGITAL ENVOY, INC.'S
 RULE 56(F) MOTION**

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 22 I, Timothy H. Kratz, declare as follows:

23 1. I am an attorney of law duly licensed to practice in the State of Georgia and
 24 admitted to practice before this court *pro hac vice*. I am a partner at the firm McGuireWoods LLP
 25 and attorney for the Plaintiff/Counterdefendant Digital Envoy, Inc. ("Digital Envoy"). I am over
 26 twenty-one years of age and not under any disability. I have personal knowledge of all facts set
 27 forth herein.

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1 2. Attached to this declaration as Exhibit 1 is a true and correct copy of a print out
2 from the Google website, www.google.com, regarding AdWords.

3 3. Attached to this declaration as Exhibit 2 is a true and correct copy of an email from
4 the Google website, www.google.com, regarding Internet advertising.

5 4. Attached to this declaration as Exhibit 3 is a true and correct copy of the
6 "Frequently Asked Questions" page on the Google website, www.google.com.

7 5. Attached to this declaration as Exhibit 4 are true and correct copies of pages 7, 37,
8 51, 57 and 58 of Google's Securities and Exchange Commission S-1 Registration.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct. Executed on May 3, 2005 at San Jose, California.

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/s/ Timothy H. Kratz

Timothy H. Kratz

