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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

**DECLARATION OF SAM S. HAN IN
 SUPPORT OF DIGITAL ENVOY'S
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT**

Date: August 10, 2005
Time: 9:30 a.m.
Courtroom: 4, 5th Floor

The Honorable Richard Seeborg

1 I, Sam S. Han, declare:

2 1. I am over twenty-one years of age and not under any legal disability. I have
3 personal knowledge of all facts set forth herein. I am an attorney at law, duly licensed to practice
4 in the State of Georgia and before the United States Patent and Trademark Office. I am an
5 attorney at McGuireWoods LLP, counsel of record for Digital Envoy in this matter.

6 2. Attached hereto as Exhibit A is a true and correct copy of the Product and
7 Electronic Database Evaluation and License Agreement that was produced in this action.

8 3. Attached hereto as Exhibit B is a true and correct copy of the *Merriam-Webster*
9 *Online Dictionary*. I downloaded the website and printed it on June 9, 2005. The source of the
10 site was: <<http://www.m-w.com/cgi-bin/dictionary>>.

11 4. Attached hereto as Exhibit C is a true and correct copy of cited portions of the
12 *Uniform Computer Information Transactions Act*, approved for adoption in 2002. I downloaded
13 the Act and printed it on June 16, 2005. The source of the site was:
14 <<http://www.law.upenn.edu/bll/ulc/ucita/2002final.htm>>.

15 5. Attached hereto as Exhibit D is a true and correct copy of the *Google Licenses Web*
16 *Search and Sponsored Links to Amazon.com* press release, from April 3, 2003. I downloaded the
17 press release and printed it on June 16, 2005. The source for the site was:
18 <<http://www.google.com/press/pressrel/amazon.html>>.

19 6. Attached hereto as Exhibit E is a true and correct copy of the *Google AdSense*
20 *Program Policies* Internet page. I downloaded the Internet page and printed it on June 16, 2005.
21 The source for the site was: <<http://www.google.com/adsense/policies>>.

22 7. Attached hereto as Exhibit F is a true and correct copy of the *Google Press Centre:*
23 *Product Descriptions* Internet page. I downloaded and printed this on June 16, 2005. The source
24 of the site was: <<http://www.google.co.uk/press/descriptions.html>>.

25 8. Attached hereto as Exhibit G is a true and correct copy of the *Sample Contracts*
26 *and Business Forms - Advertising Services Agreement* Internet page, dated April 14, 2003. I
27 downloaded and printed this on June 16, 2005. The source of the site was:
28 <<http://contracts.onecle.com/shopping/google.sales.2003.04.14.shtml>>.

