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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 JOHN A. LOCKETT
 III IN SUPPORT OF DIGITAL ENVOY,
 INC.'S MOTION FOR LEAVE TO FILE
 ITS MOTION FOR RECONSIDERATION**

Date: No Hearing Set Per L.R. 7-9(d)
Courtroom: 4, 5th Floor

The Honorable Richard Seeborg

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I, John A. Lockett, III, declare as follows:

1. I am over twenty-one years of age, not under any disability and otherwise competent to testify. The statements set forth below are based on my own personal knowledge.
2. I am an attorney with the law firm McGuireWoods LLP. My firm represents Digital Envoy, Inc. in the above-styled litigation.
3. Attached hereto as Exhibit A to this declaration is a true and correct copy of Google, Inc.'s Stipulation of Authenticity as to Certain Documents.
4. Attached as Exhibit B to this declaration is a true and correct copy of documents GOOG 009876-009877 and GOOG 009696-009698.

I declare these things to be true under penalty or perjury and under the laws of the United States of America. Executed this 6th day of July, 2005 at Atlanta, Georgia.

/s/ John Lockett III

John Lockett III

