

## **KRAMER DECLARATION EXHIBIT D**

DAVID H. KRAMER, State Bar No. 168452 (dkramer@wsgr.com)  
DAVID L. LANSKY, State Bar No. 199952 (dlansky@wsgr.com)  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Telephone: (650) 493-9300  
Facsimile: (650) 565-5100

Attorneys for Defendant/Counterclaimant  
Google Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

|                             |   |                                     |
|-----------------------------|---|-------------------------------------|
| DIGITAL ENVOY, INC.,        | ) | CASE NO. C 04 01497 RS              |
|                             | ) |                                     |
| Plaintiff/Counterdefendant, | ) | <b>EXHIBIT D TO THE</b>             |
|                             | ) | <b>DECLARATION OF</b>               |
| v.                          | ) | <b>DAVID H. KRAMER IN SUPPORT</b>   |
|                             | ) | <b>OF GOOGLE INC.'S MOTION FOR</b>  |
| GOOGLE INC.,                | ) | <b>PARTIAL SUMMARY JUDGMENT</b>     |
|                             | ) | <b>REGARDING DIGITAL ENVOY,</b>     |
| Defendant/Counterclaimant.  | ) | <b>INC.'S DAMAGES CLAIMS</b>        |
|                             | ) |                                     |
|                             | ) | Judge: Hon. Richard Seeborg         |
|                             | ) | Courtroom: 4, 5 <sup>th</sup> Floor |
|                             | ) | Date: September 21, 2005            |
|                             | ) | Time: 9:30 a.m.                     |

**EXHIBIT LODGED UNDER SEAL PURSUANT TO**  
**LOCAL RULE CIVIL 79-5(c)**  
**AND MOTION FOR ADMINISTRATIVE RELIEF**  
**FILED ON AUGUST 17, 2005**

**MANUAL FILING NOTIFICATION**

Regarding: **EXHIBIT D TO THE DECLARATION OF DAVID H. KRAMER IN SUPPORT OF GOOGLE INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING DIGITAL ENVOY, INC.'S DAMAGES CLAIMS (CONFIDENTIAL VERSION).**

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk 's office. If you are a participant in this case, this filing will be served in hard-copy shortly. For information on retrieving this filing directly from the court, please see the court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

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- ☐ Other (description):

Dated: August 17, 2005

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ David H. Kramer  
David H. Kramer

Attorneys for Defendant / Counterclaimant  
GOOGLE INC.