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 10 Google Inc.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 DIGITAL ENVOY, INC.,)
 15)
 16 Plaintiff/Counterdefendant,)
 17)
 18 v.)
 19)
 20 GOOGLE INC.,)
 21)
 22 Defendant/Counterclaimant.)
 23)
 24)
 25)
 26)
 27)
 28)

CASE NO. C 04 01497 RS
**DECLARATION OF MICHAEL
 KWUN IN SUPPORT OF GOOGLE
 INC.'S MOTION FOR ENTRY OF A
 PROTECTIVE ORDER STAGING
 DISCOVERY**
 Judge: Hon. Richard Seeborg
 Courtroom: 4, 5th Floor
 Date: September 22, 2004
 Time: 9:00 a.m.

1 I, Michael Kwun, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California. I am
3 litigation counsel at Google Inc. (“Google”), the defendant and counterclaimant in this action.
4 One of my responsibilities is to oversee and coordinate Google’s response to litigation discovery
5 requests. I have personal knowledge of the facts set forth herein and, if called as a witness, could
6 and would testify competently thereto.

7 2. I have reviewed the materials Digital Envoy has filed and served in this action and the
8 earlier action in Georgia constituting Digital Envoy’s proposed discovery plans and its actual
9 requests. These materials indicate that Digital Envoy already has sought, and intends to continue
10 seeking, discovery into virtually every aspect of Google’s business that uses Digital Envoy’s
11 geo-targeting technology.

12 3. The discovery requested and planned would require Google to collect, review and
13 produce extremely and highly sensitive business information on its operations, finances, business
14 strategies, business partners and advertisers. If the scope of permitted discovery remains as
15 broad as Digital Envoy desires, the cost of gathering the information it has sought could easily
16 run into the hundreds of thousands of dollars. The effort would reach throughout the company
17 and present a significant burden.

18 4. Further, Digital Envoy has listed in its Initial Disclosures roughly two dozen Google
19 employees as potential witnesses in this case, including Google’s founders, its CEO, its General
20 Counsel, and several other senior company executives. Digital Envoy claims these executives
21 have discoverable information concerning Google’s business plans and technology. Again, if
22 Digital Envoy is permitted to undertake such wide-ranging discovery, it would place a
23 considerable and undue burden on the company.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct. Executed on August 16, 2004, at Mountain View, California.

26
27 /s/ Michael Kwun _____
Michael Kwun

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CERTIFICATION

I, David H. Kramer, am the ECF User whose identification and password are being used to file this Declaration of Michael Kwun in Support of Google Inc.'s Motion for Entry of a Protective Order Staging Discovery. In compliance with General Order 45.X.B, I hereby attest that Michael Kwun has concurred in this filing.

DATED: August 16, 2004

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ David H. Kramer
David H. Kramer
Attorneys for Google Inc.