

KRAMER DECLARATION EXHIBIT F

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6 Case No. 04-1497-RS Pro Hac Vice To Be Applied For
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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 GOOGLE, INC.,
15 Plaintiff,
16 v.
17 DIGITAL ENVOY, INC.,
18 Defendant.
19 DIGITAL ENVOY, INC.,
20 Counterclaimant,
21 v.
22 GOOGLE, INC.,
23 Counterdefendant.
24

Case No. C 04 01497 RS

**DIGITAL ENVOY, INC.'S FIRST
SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION**

26 Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Plaintiff
27 Digital Envoy, Inc. hereby propounds the following interrogatories and requests for
28

1 Identify all web sites on which Google has placed advertisements, the first and last
2 date in which Google has placed an advertisement on each site, and for each site indicate
3 whether Google was capable of using and permitted by the web site owner/operator to use
4 Digital Envoy's technology in the placement of advertisements on the site.
5

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6 **INTERROGATORY NO. 6**

7 Identify by month and web site, the total revenue received by Google for the
8 placement of advertisements on third party web sites where the placement of the
9 advertisement included the use of Digital Envoy's technology.
10

11 **INTERROGATORY NO. 7**

12 Identify each person who participate in the drafting or negotiation of the
13 Agreement.
14

15 **INTERROGATORY NO. 8**

16 Describe each communication you had regarding the Agreement.
17

17 **INTERROGATORY NO. 9**

18 For each change to any draft of the Agreement, describe your understanding of the
19 purpose of that change.
20

21
22 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

23 **DOCUMENT REQUEST NO. 1**

24 All documents relating to the Agreement, including all documents relating to the
25 drafting or negotiation of the Agreement.
26

27 **DOCUMENT REQUEST NO. 21**

28

1 All documents relating to communications relating to Google's and Digital Envoy's
2 performance under the agreement.

3 **DOCUMENT REQUEST NO. 3**

4 All documents relating to Google's uses of Digital Envoy's technology, specifically
5 including but not limited to documents relating to communication regarding the
6 technology and technical documents and design drawings relating to Google's
7 implementation or use of the technology for any purpose (including but not limited to
8 AdWords and AdSense).
9
10

11 **DOCUMENT REQUEST NO. 4**

12 All documents relating to communications relating to any alleged breach of the
13 Agreement by either Google or Digital Envoy.
14

15 **DOCUMENT REQUEST NO. 5**

16 All documents relating to Digital Envoy, including documents relating to
17 communication relating to Digital Envoy.
18

19 **DOCUMENT REQUEST NO. 6**

20 All documents relating to communication with Digital Envoy.

21 **DOCUMENT REQUEST NO. 7**

22 All documents relating to communication leading to Google's decision to place
23 advertisements on its own web site(s).
24

25 **DOCUMENT REQUEST NO. 8**

26 All documents relating to communication leading to Google's decision to use
27 Digital Envoy's technology in placing advertisements on Google's own web site(s).
28

1 **DOCUMENT REQUEST NO. 9**

2 All documents relating to communication leading to Google's decision to offer
3 advertisers options incorporating the use of Digital Envoy's technology for advertisements
4 placed on Google's own web site(s).
5

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6 **DOCUMENT REQUEST NO. 10**

7 All documents relating to communication leading to Google's decision to place
8 advertisements on third party web sites.
9

10 **DOCUMENT REQUEST NO. 11**

11 All documents relating to communication leading to Google's decision to use
12 Digital Envoy's technology in placing advertisements on third party web sites.
13

13 **DOCUMENT REQUEST NO. 12**

14 All documents relating to communication leading to Google's decision to offer
15 advertisers options incorporating the use of Digital Envoy's technology for advertisements
16 placed on third party web sites.
17

18 **DOCUMENT REQUEST NO. 13**

19 Documents sufficient to determine the identity of all advertisers who have paid
20 Google for advertisements to be placed on Google's own web site(s), and the date and
21 amount of payments.
22

23 **DOCUMENT REQUEST NO. 14**

24 Documents sufficient to determine the identity of advertisers who have paid Google
25 for advertisements to be placed on third party web sites, and the date and amount of
26 payments.
27
28

1 **DOCUMENT REQUEST NO. 15**

2 Documents sufficient to determine the identity of all advertisers who had
3 advertisements placed by Google and selected an option which incorporated the use of
4 Digital Envoy's technology in the placement of one or more of those advertisements.
5

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6 **DOCUMENT REQUEST NO. 16**

7 Documents sufficient to determine the identity of all advertisers who had
8 advertisements placed by Google and were given but did not select an option which
9 incorporated the use of Digital Envoy's technology in the placement of one or more of
10 those advertisements.
11

12 **DOCUMENT REQUEST NO. 17**

13 All documents relating to web site information provided by Google relating to
14 AdWords, AdSense, and any other program or offering relating to the placement of
15 advertisements on any web site, specifically including all historical changes made to the
16 information provided.
17

18 **DOCUMENT REQUEST NO. 18**

19 All documents relating to information other than web site information provided by
20 Google to then existing or prospective AdWords or AdSense customers relating to
21 AdWords, AdSense, and any other program or offering relating to the placement of
22 advertisements on any web site.
23

24 **DOCUMENT REQUEST NO. 19**

25 All documents containing any projection or expectation relating to revenue or profit
26 or other economic factor relating to AdWords, AdSense, or any other program or offering
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1 relating to the placement of advertisements on any web site, specifically including any
2 projection relating to the use Digital Envoy's technology in placing advertisements on
3 third party web sites.

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5 **DOCUMENT REQUEST NO. 20**

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All documents containing press releases pertaining to AdWords, or any
7 other program or offering relating to the placement of advertisements on any web site, or
8 the use of Digital Envoy's technology in placing advertisements on third party web sites.

9
10 **DOCUMENT REQUEST NO. 21**

11 All documents relating to communication with any other company who provides or
12 purports to provide information regarding the geographic location of a user relating to the
13 provision of such information to Google.

14
15 DATED: July 29, 2004

16 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

17
18 By 
19 _____
20 P. CRAIG CARDON
21 Attorneys for DIGITAL ENVOY, INC.
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

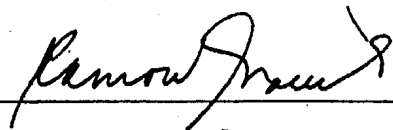
3 I am employed in the County of San Francisco; I am over the age of
4 eighteen years and not a party to the within entitled action; my business address is
210 Fell Street, 17th Street, San Francisco, California 94102.

5 On July 29, 2004, I served the following document(s) described as **DIGITAL**
6 **ENVOY, INC.'S FIRST SET OF INTERROGATORIES AND REQUESTS**
7 **FOR PRODUCTION** on the interested party(ies) in this action by placing true
copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

8 David H. Kramer
9 David L. Lansky
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94303-9300

- 10 **BY MAIL:** I am "readily familiar" with the firm's practice of collection and
11 processing correspondence for mailing. Under that practice it would be
12 deposited with the U.S. postal service on that same day with postage thereon
13 fully prepaid at San Francisco, California in the ordinary course of business. I
14 am aware that on motion of the party served, service is presumed invalid if
15 postal cancellation date or postage meter date is more than one day after date
16 of deposit for mailing in affidavit.
- 17 **BY OVERNIGHT DELIVERY:** I served such envelope or package to be
delivered on the same day to an authorized courier or driver authorized by the
overnight service carrier to receive documents, in an envelope or package
designated by the overnight service carrier.
- 18 **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand
19 to the office of the addressee(s).
- 20 **STATE:** I declare under penalty of perjury under the laws of the State of
21 California that the foregoing is true and correct.
- 22 **FEDERAL:** I declare that I am employed in the office of a member of the
23 bar of this Court at whose direction the service was made. I declare under
24 penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct.

26 Executed on July 29, 2004, at San Francisco, California.

27 
28 _____
Print Name RAMON GAROLA