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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 ROBERT J.
 WADDELL, JR., IN SUPPORT OF
 DIGITAL ENVOY, INC.'S OPPOSITION
 TO GOOGLE'S MOTION FOR PARTIAL
 SUMMARY RE?: DAMAGE ISSUES**

**Date: September 21, 2005
 Time: 9:30 a.m.
 Courtroom: 4, 5th Floor**

The Honorable Richard Seeborg

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1 I, Robert J. Waddell, Jr., declare as follows:

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.

5 2. Attached hereto as Exhibit A is a true and correct copy of excerpts taken from the
6 Deposition of Steven L. Schimmel, taken on September 23, 2004. The attached exhibits were
7 produced to Digital Envoy from Google's files.

8 3. Attached hereto as Exhibit B is a true and correct copy of excerpts taken from the
9 Deposition of Matthew D. Cutts, taken on September 1, 2004. The attached exhibits were
10 produced to Digital Envoy from Google's files.

11 4. Attached hereto as Exhibit C is a true and correct copy of a contract template, Bates
12 numbered GOOG 013885-013888, which was produced to Digital Envoy from Google's files.

13 5. Attached hereto as Exhibit D is a true and correct copy of the *Local Search Part 3:*
14 *Google Gets Local With AdWords* Internet page, which was downloaded and printed on July 6,
15 2005. The source for the site was:

16 <<http://searchenginewatch.com/searchday/article/php/3099591>>

17 6. Attached hereto as Exhibit E is a true and correct copy of the *October 24, 2003*
18 *Google Beta Tests Regional AdWords Targeting* Internet page, which was downloaded and printed
19 on September 1, 2005. The source for the site was:

20 <<http://siliconvalley.internet.com/news/article.php/3098431>>

21 7. Attached hereto as Exhibit F is a true and correct copy of the *BellSouth's Alliance*
22 *with Google Connects RealPages.com Advertisers to Local Consumers* Internet page, which was
23 downloaded and printed on September 1, 2005. The source for the site was:

24 <<http://volokh.blogspot.com/2004/10/bellsouths-alliance-with-google.html>>

25 8. Attached hereto as Exhibit G is a true and correct copy of the *Google AdSense Case*
26 *Study: How Greenwich 2000 Ltd doubled ad revenue with Google AdSense* Internet page, which
27 was downloaded and printed on August 31, 2005. The source for the site was:

28 <https://www.google.com/adsense/greenwich2000?hl=en_GB>.

1 9. Attached hereto as Exhibit H is a true and correct copy of the *Google AdSense Tour*
2 Internet page, which was downloaded and printed on September 1, 2005. The source for the site
3 was: <http://www.google.co.uk/services/adsense_tour/page4.html>.

4 10. Attached hereto as Exhibit I is a true and correct copy of the *Google AdSense Case*
5 *Study: How Our-Hometown.com's local newspaper publishers profit from Google AdSense*
6 Internet page, which was downloaded and printed on September 1, 2005. The source for the site
7 was: <www.google.com/adsense/ourhometown>.

8 11. Attached hereto as Exhibit J is a true and correct copy of the *Google AdSense Case*
9 *Study: How WiFinder gets revenue it can count on through Google AdSense* Internet page, which
10 was downloaded and printed on September 1, 2005. The source for the site was:
11 <<http://www.google.com/adsense/wifinder>>.

12 12. Attached hereto as Exhibit K is a true and correct copy of the *Google AdWords:*
13 *Step-by-Step* Internet page, which was downloaded and printed on August 31, 2005. The source
14 for the site was: <<http://adwords.google.com/select/steps.html>>.

15 13. Attached hereto as Exhibit L is a true and correct copy of the *Google AdWords:*
16 *Optimisation Tips* Internet page, which was downloaded and printed on August 31, 2005. The
17 source for the site was: <<http://adwords.google.com/select/tips.html>>.

18 14. Attached hereto as Exhibit M is a true and correct copy of excerpts taken from the
19 Deposition of Susan Wojcicki, taken on June 23, 2005. The attached exhibits were produced to
20 Digital Envoy from Google's files.

21 15. Attached hereto as Exhibit N is a true and correct copy of financial information,
22 Bates numbered GOOG 013593 - 013600, which were produced to Digital Envoy from Google's
23 files.

24 I declare these things under penalty of perjury and under the laws of the United States of
25 America. Executed on September 1, 2005.

26 Robert J. Waddell

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Robert J. Waddell, Jr.

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CERTIFICATION

I, Brian Blackman, am the ECF User whose identification and password are being used to file this Declaration of Robert J. Waddell, Jr., in Support of Digital Envoy, Inc.'s Opposition to Google's Motion For Partial Summary Judgment Re: Damage Issues. In compliance with General Order 45.X.B., I hereby attest that Robert J. Waddell, Jr., has concurred in this filing.

DATED: September 1, 2005

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By _____ /s/ Brian Blackman
P. CRAIG CARDON
BRIAN R. BLACKMAN

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