| Digital Envoy Inc., | . Google Inc.,  |                 |                                  |   | Doc.     |  |
|---------------------|---|-----------------|----------------------------------|---|----------|--|
|                     | Case 5:04-cv-01497-RS   | Document 341    | Filed 10/13/2005                 | Page 1 of 3                             |          |  |
|                     |   |                 |                                  |   |          |  |
|                     |   | N. 160646       |                                  |   |          |  |
| 1                   | BRIAN R. BLACKMAN, Cal. Bar No. 196996  |                 |                                  |   |          |  |
| 2                   | KENDALL M. BURTON, Cal. Bar No. 228720<br>SHEPPARD, MULLIN, RICHTER & HAMPTON LLP |                 |                                  |   |          |  |
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| 4                   |   |                 |                                  |   |          |  |
| 5                   |   | ,               |                                  |   |          |  |
| 6                   |   |                 | )                                |   |          |  |
| 7                   |   |                 |                                  |   |          |  |
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| 10                  | Attorneys for DIGITAL EN  | VOY, INC.       |                                  |   |          |  |
| 11                  | UNITED STATES DISTRICT COURT  |                 |                                  |   |          |  |
| 12                  | NORTHERN DISTRICT OF CALIFORNIA   |                 |                                  |   |          |  |
| 13                  | SAN JOSE DIVISION   |                 |                                  |   |          |  |
| 14                  | DIGITAL ENVOY, INC.,  |                 | Case No. C 04 0149               | 7 RS                                    |          |  |
| 15                  | Plaintiff/Cour  | nter defendant, | DECLARATION (                    |   |          |  |
| 16                  | v.  |                 | WADDELL, JR. IN<br>DIGITAL ENVOY | 'S REPLY TO                             |          |  |
| 17                  | GOOGLE, INC.,   |                 | SUPPORT OF ITS                   |   | N        |  |
| 18                  | Defendant/Co  | ounterclaimant. |                                  | ITAL ENVOY, INC.'S                      | S        |  |
| 19                  |   |                 | DAMAGES CLAIN                    |   |          |  |
| 20                  |   |                 | The Honorable Ric                | hard Seeborg                            |          |  |
| 21                  |   |                 |                                  |   |          |  |
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| 20                  | W02-SF:5BB\61472219.1   | _               | 1-<br>WADDELL DEC 180            | REPLY TO GOOGLE'S SI                    | <u> </u> |  |
|                     | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,   |                 |                                  | TN FOR PARTIAL SUMM<br>JUDGMENT RE DAMA | ARY      |  |
|                     | (I  |                 |                                  | Dockets.                                | luetia d |  |

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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, and admitted <i>pro hac vice</i> as an attorney for Plaintiff Digital Envoy, Inc.  |  |  |  |  |
| 5  | in this case.   |  |  |  |  |
| 6  | 2. Attached hereto as Exhibit A is a true and correct copy of information obtained  |  |  |  |  |
| 7  | from Google Inc.'s Internet web site at <a href="http://www.google.com/intl/en/corporate/tenthings.html">http://www.google.com/intl/en/corporate/tenthings.html</a> . |  |  |  |  |
| 8  | 3. Attached hereto as Exhibit B is a true and correct copy of information obtained  |  |  |  |  |
| 9  | from Google Inc.'s Internet web site at <a href="http://www.google.com/intl/en/corporate/culture.html">http://www.google.com/intl/en/corporate/culture.html</a> .     |  |  |  |  |
| 10 | 4. Attached hereto as Exhibit C is a true and correct copy of excerpts from Google  |  |  |  |  |
| 11 | Inc.'s Amendment No. 7 to Form S-1 Registration Statement filed with the United States  |  |  |  |  |
| 12 | Securities and Exchange Commission ("SEC") pursuant to the Securities Act of 1933 on August   |  |  |  |  |
| 13 | 13, 2004 obtained from the SEC's official web site at   |  |  |  |  |
| 14 | http://www.sec.gov/Archives/edgar/data/1288776/000119312504139655/ds1a.htm.   |  |  |  |  |
| 15 | I declare these things under penalty of perjury and under the laws of the United States.  |  |  |  |  |
| 16 | Executed on October 13, 2005.   |  |  |  |  |
| 17 | /s/ Robert J. Waddell, Jr.  |  |  |  |  |
| 18 | Robert J. Waddell, Jr.  |  |  |  |  |
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| 1  | <u>CERTIFICATION</u>   |  |  |  |  |
|----|--|--|--|--|--|
| 2  | I, Brian Blackman, am the ECF User whose identification and password are being used to         |  |  |  |  |
| 3  | file this Declaration of Robert J. Waddell, Jr., in Support of Digital Envoy's Reply to Google |  |  |  |  |
| 4  | Supplemental Brief In Support of Its Motion For Partial Summary Judgment Re: Damage Claims.    |  |  |  |  |
| 5  | In compliance with General Order 45.X.B., I hereby attest that Robert J. Waddell, Jr., has     |  |  |  |  |
| 6  | concurred in this filing.  |  |  |  |  |
| 7  | DATED: October 13, 2005  |  |  |  |  |
| 8  | SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  |  |  |  |  |
| 9  |  |  |  |  |  |
| 10 | By /s/ Brian Blackman  |  |  |  |  |
| 11 | P. CRAIG CARDON<br>BRIAN R. BLACKMAN   |  |  |  |  |
| 12 | TIMOTHY H. KRATZ ( <i>Pro Hac Vice</i> To Be Applied For)                                      |  |  |  |  |
| 13 | LUKE ANDERSON ( <i>Pro Hac Vice</i> To Be Applied For) MCGUIRE WOODS, L.L.P                    |  |  |  |  |
| 14 | 1170 Peachtree Street, N.E., Suite 2100<br>Atlanta, Georgia 30309                              |  |  |  |  |
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| 16 | Attorneys for DIGITAL ENVOY, INC.  |  |  |  |  |
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