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9 Attorneys for Defendant/Counterclaimant
 10 Google Inc.

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

13	DIGITAL ENVOY, INC.,)	CASE NO.: C 04 01497 RS
14)	
15	Plaintiff/Counterdefendant,)	DECLARATION OF
16)	DAVID L. LANSKY
17	v.)	IN SUPPORT OF GOOGLE INC.'S
18)	SUPPLEMENTAL REPLY BRIEF
19	GOOGLE INC.,)	
20)	
21	Defendant/Counterclaimant.)	Judge: Hon. Richard Seeborg
22)	
23)	
24)	
25)	
26)	
27)	
28)	

1 I, David L. Lansky, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California and
3 before this Court. I am associated with Wilson Sonsini Goodrich & Rosati (“WSGR”), counsel
4 for defendant and counterclaimant Google Inc. (“Google”). I have personal knowledge of the
5 facts set forth herein and, if called as a witness, could and would testify competently thereto.

6 2. Attached as Exhibit A is a true and correct copy of a chart I prepared noting
7 discrepancies between the assertions in Digital Envoy’s supplemental brief and the evidence
8 cited in support thereof.

9 3. Attached as Exhibit B is a true and correct copy of excerpts from Digital Envoy’s
10 Supplemental and Amended Responses to Google’s Third Set of Interrogatories (Nos. 8-10 and
11 19).

12 4. Attached as Exhibit C is a true and correct copy of an excerpt from an email
13 thread between Rob Friedman and Steve Schimmel, Bates-numbered GOOG 006730.

14

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct. Executed on October 13, 2005 at Palo Alto, California.

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/s/ David L. Lansky

David L. Lansky

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CERTIFICATION

I, David H. Kramer, am the ECF User whose identification and password are being used to file the **DECLARATION OF DAVID L. LANSKY IN SUPPORT OF GOOGLE INC.'S SUPPLEMENTAL REPLY BRIEF**. In compliance with General Order 45.X.B, I hereby attest that David Lansky has concurred in this filing.

DATED: October 13, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ David H. Kramer
David H. Kramer
Attorneys for Defendant / Counterclaimant
GOOGLE INC.