

Date: August 23, 2004

To: P. Craig Cardon

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Company: Sheppard, Mullin, Richter & Hampton

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From: Stephen Holmes

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Message: Please see attached letter

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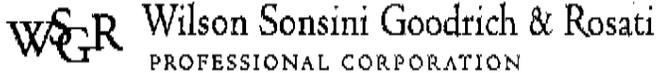
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August 23, 2004

**Via Facsimile and U.S. Mail**

P. Craig Cardon  
Sheppard, Mullin, Richter & Hampton LLP  
Four Embarcadero Center, 17th Floor  
San Francisco, CA 94111-4106  
Fax No.: (415) 434-3947

**Re: *Digital Envoy, Inc. v. Google Inc.*  
Case No.: C 04-01497 RS**

Dear Craig:

Further to your email of last Friday and our conversation today, it is Google's position that 2019(d) of the California Code of Civil Procedure applies in federal court, and specifically to the present proceedings in the Northern District of California. *See Computer Economics, Inc., vs. Gartner Group, Inc.*, 50 F. Supp.2d 980 (SD CA, 1999).

It seems reasonable to us that a plaintiff in a trade secret case must identify its alleged trade secrets before it commences discovery, which is what 2019(d) clearly requires. We would like for this not to be an issue, which is why I called the matter to your attention. Please therefore identify Digital Envoy's trade secrets with reasonable particularity as soon as possible.

Very truly yours,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

Stephen C. Holmes

cc. Timothy H. Kratz, McGuireWoods LLP