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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

REDACTED VERSION

**SUPPLEMENTAL DECLARATION OF
 ROBERT J. WADDELL, JR. IN SUPPORT
 OF DIGITAL ENVOY INC.'S MOTION
 TO COMPEL**

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, and admitted *pro hac vice* 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 Google's patent
7 application, "Determining and/or using location information in an ad system," having publication
8 number 20050050027, claiming priority to September 3, 2003, and published on March 3, 2005,
9 obtained from [http://appft1.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&u=%2Fnetacgi/nph-adv.html&r=8&f=G&l=50&d=PG01&p=1&S1=%28Mark+AND+Rose%29.IN.&OS=IN/\(Mark+and+Rose\)&RS=IN/\(Mark+AND+Rose\)](http://appft1.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&u=%2Fnetacgi/nph-adv.html&r=8&f=G&l=50&d=PG01&p=1&S1=%28Mark+AND+Rose%29.IN.&OS=IN/(Mark+and+Rose)&RS=IN/(Mark+AND+Rose)).

13 3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the
14 transcript of the Deposition of Susan Wojcicki, which was taken on June 23, 2005.

15 4. Attached hereto as Exhibit C is a true and correct copy of GOOG 012016 - GOOG
16 012027, produced by Google, attached as Exhibit 61 to the Deposition of Susan Wojcicki, which
17 was taken on June 23, 2005, and authenticated by Ms. Wojcicki during that deposition.

18 5. Attached hereto as Exhibit D is a true and correct copy of Google Inc.'s
19 Supplemental and Amended Responses to Digital Envoy's First Set of Document Requests, served
20 on November 10, 2004.

21 I declare these things under penalty of perjury and under the laws of the United States.
22 Executed on November 21, 2005.

23 /s/ Robert J. Waddell, Jr.
24 Robert J. Waddell, Jr.

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