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

13 DIGITAL ENVOY, INC.,  
 14 Plaintiff/Counter defendant,  
 15 v.  
 16 GOOGLE, INC.,  
 17 Defendant/Counterclaimant.  
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Case No. C 04 01497 RS

**REDACTED VERSION**

**DECLARATION OF ROBERT J.  
 WADDELL, JR. IN SUPPORT OF  
 DIGITAL ENVOY INC.'S OPPOSITION  
 TO GOOGLE'S MOTION FOR  
 RECONSIDERATION**

**The Honorable Richard Seeborg**

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

2 1. I am over twenty-one years old and not under any legal disability. I have personal  
3 knowledge of all facts set forth herein. I am an attorney at law, duly licensed to practice in the  
4 State of Georgia, and admitted *pro hac vice* as an attorney for Plaintiff Digital Envoy, Inc. in this  
5 case.

6 2. Attached as **Exhibit A** is a true and correct copy of documents GOOG 007350 -  
7 GOOG 007368 produced by Google from its files during discovery in this litigation.

8 3. Attached as **Exhibit B** is a true and correct copy of Google's contract with its  
9 AdSense customers obtained from <https://www.google.com/adsense/terms> on December 7, 2005.

10 I declare these things under penalty of perjury and the laws of the United States.

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/s/ Robert J. Waddell, Jr.

ROBERT J. WADDELL, JR..

