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15 Attorneys for DIGITAL ENVOY, INC.

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

19 DIGITAL ENVOY, INC.,
 20 Plaintiff/Counterdefendant,
 21 v.
 22 GOOGLE, INC.,
 23 Defendant/Counterclaimant.
 24

Case No. C 04 01497 RS
DECLARATION OF ROBERT J. WADDELL, JR.
[EXHIBITS K, AND M-R SUBMITTED UNDER SEAL]
 The Honorable Richard Seeborg

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1 I, Robert J. Waddell, Jr., hereby declare:
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3 1. I am over twenty-one years of age and not under any disability. The
4 facts attested to below are based on my own personal knowledge.

5 2. I am an attorney with the law firm McGuireWoods LLP. My firm
6 represents Digital Envoy, Inc. ("Digital Envoy") in this litigation.

7 3. Attached as Exhibit A is a true and correct copy of the Complaint for
8 Breach of Contract and Declaratory Judgment, and its attachments, filed in this case
9 on April 16, 2004, by Google, Inc ("Google").

10 4. Attached as Exhibit B is a true and correct copy of "Google
11 Information for Webmasters" from Google's web site viewed and printed by me.

12 5. Attached as Exhibit C is a true and correct copy of the February 1,
13 2005, Cease and Desist letter sent from David H. Kramer to Timothy H. Kratz.

14 6. Attached as Exhibit D is a true and correct copy of the publicly
15 available article "Web Search For A Planet: The Google Cluster Architecture"
16 viewed and printed by me.

17 7. Attached as Exhibit E is a true and correct copy of the November 28,
18 2002 New York Times article "Postcards From Planet Google" viewed and printed
19 by me.

20 8. Attached as Exhibit F is a true and correct copy of a March 14, 2002,
21 Digital Envoy press release "Coyote Point Systems and Digital Envoy Named
22 Finalists for Networking Computing's 2002 Well-Connected Awards" viewed and
23 printed by me.

24 9. Attached as Exhibit G is a true and correct copy of a June 15, 2004
25 InfoWorld article "Akamai outage hobbles Google, Microsoft, others" viewed and
26 printed by me.

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1 10. Attached as Exhibit H is a true and correct copy of a September 1, 2003
2 NetworkWorld article "Speedy returns are Google's Goal" viewed and printed by
3 me.

4 11. Attached as Exhibit I is a true and correct copy of a June 1, 2000
5 Internetweek.com article "Google Bets The Farm On Linux" viewed and printed by
6 me.

7 12. Attached as Exhibit J is a true and correct copy of February 4, 2003,
8 Webmasterworld.com message board in which the participants discuss indexing
9 based upon a user's IP address. This exhibit was viewed and printed by me.

10 13. Attached as Exhibit K is a true and correct copy of Defendant's
11 Deposition Exhibit 103.

12 14. Attached as Exhibit L is a true and correct copy of the January 3, 2003,
13 Sydney Age newspaper article "Ga-ga over Google" viewed and printed by me.

14 15. Attached as Exhibit M is a true and correct copy of Google, Inc.'s
15 Identification of Trade Secrets Pursuant to Cal. Code Civ. P. § 2019.

16 16. Attached as Exhibit N is a true and correct copy of Google, Inc.'s
17 Amended Identification of Trade Secrets Pursuant to Cal. Code Civ. P. § 2019.

18 17. Attached as Exhibit O is a true and correct copy of Google, Inc.'s
19 Responses to Digital Envoy's Third Set of Document Requests.

20 18. Attached as Exhibit P is a true and correct copy of Google, Inc.'s
21 Responses to Digital Envoy, Inc.'s Third Interrogatories.

22 19. Attached as Exhibit Q is a true and correct copy of a May 25, 2005
23 Order issued from the United States District Court from the Northern District of
24 Georgia in the case Digital Envoy, Inc. v. Google, Inc., Case No. 04-CV-8684.

25 20. Attached as Exhibit R are true and correct copies of Documents
26 DE004445-004460; DE003457-003471; DE004554-004566; DE004727-004740;
27 DE004538-004552; DE003349- 003361.

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