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10 Attorneys for DIGITAL ENVOY, INC.

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

14 DIGITAL ENVOY, INC.,
 15 Plaintiff/Counterdefendant,
 16 v.
 17 GOOGLE, INC.,
 18 Defendant/Counterclaimant.
 19

Case No. C 04 01497 RS

**DECLARATION OF TIMOTHY H.
 KRATZ IN OPPOSITION TO GOOGLE,
 INC.'S MOTION TO SHORTEN TIME**

20 I, Timothy H. Kratz, declare as follows:

21 1. I am an attorney of law duly licensed to practice in the State of Georgia and
 22 admitted to practice before this court *pro hac vice*. I am a partner at the firm McGuireWoods LLP
 23 and attorney for the Plaintiff/Counterdefendant Digital Envoy, Inc. ("Digital Envoy"). I have
 24 personal knowledge of all facts set forth herein.

25 2. The opposed the briefing schedule set forth in Google, Inc.'s ("Google") Motion
 26 for Protective Order would prejudice Digital Envoy because it does not afford counsel for Digital
 27 Envoy sufficient time to draft an adequate response brief.
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