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 6 Google Inc.

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

11 DIGITAL ENVOY, INC.,)
 12)
 Plaintiff/Counterdefendant,)
 13)
 v.)
 14)
 GOOGLE INC.,)
 15)
 Defendant/Counterclaimant.)

CASE NO.: C 04 01497 RS
**DECLARATION OF DAVID H.
 KRAMER IN SUPPORT OF
 GOOGLE INC.'S
 MISCELLANEOUS
 ADMINISTRATIVE REQUEST TO
 FILE DOCUMENTS UNDER SEAL,
 PURSUANT LOCAL RULES 7-10(b)
 and 79-5**

Date: March 16, 2005
 Time: 9:30 a.m.
 Courtroom: 4, 5th Floor
 Judge: Hon. Richard Seeborg

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1 I, David H. Kramer, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California and
3 before this Court. I am a member of Wilson Sonsini Goodrich & Rosati, counsel for defendant
4 and counterclaimant Google Inc. (“Google”). I have personal knowledge of the facts set forth
5 herein and, if called as a witness, could and would testify competently thereto.

6 2. I submit this declaration in support of Google’s Miscellaneous Administrative
7 Request to File Under Seal, Pursuant to Local Rules 7-10(b) and 79-5, Exhibit D to the
8 Declaration of Stephen C. Holmes in Support of Google’s Motion For Partial Summary
9 Judgment on Counts II, III, IV and V of the Amended Complaint (“Holmes Declaration”).

10 3. Exhibit D to the Holmes Declaration (“Exhibit D”) contains information
11 designated by plaintiff and counterdefendant Digital Envoy, Inc. as “Highly Confidential –
12 Attorneys’ Eyes Only” under the terms of the Court’s August 23, 2004 Stipulation and Protective
13 Order Regarding Confidentiality (“Protective Order”). The documents attached as Exhibit D are
14 excerpts from the deposition testimony of Rob Friedman, dated November 17, 2004. The
15 excerpts attached as Exhibit D are quoted in Google’s accompanying memorandum. Without
16 concurring in Digital Envoy’s view, in light of its designations, Google requests an order
17 permitting it to file the deposition testimony and an unredacted copy of its brief under seal.

18
19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct. Executed on February 7, 2005, at Palo Alto, California.

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22 /s/ David H. Kramer
23 David H. Kramer