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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/Counter defendant,  
 16 v.  
 17 GOOGLE, INC.,  
 18 Defendant/Counterclaimant.

Case No. C 04 01497 RS

**[REDACTED] DECLARATION OF  
 TIMOTHY H. KRATZ IN SUPPORT OF  
 DIGITAL ENVOY, INC.'S OPPOSITION  
 TO GOOGLE, INC.'S MOTION FOR  
 PARTIAL SUMMARY JUDGMENT ON  
 COUNTS II, III, IV AND V OF THE  
 AMENDED COMPLAINT**

**Date: March 16, 2005  
 Time: 9:30 a.m.  
 Courtroom: 4, 5<sup>th</sup> Floor**

**The Honorable Richard Seeborg  
 (REDACTED VERSION)**

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1 I, Timothy H. Kratz, declare:

2 1. I am an attorney duly licensed to practice in the State of Georgia and am admitted  
3 *pro hac vice* in this Court. I am a partner with McGuire Woods LLP, counsel for Plaintiff Digital  
4 Envoy, Inc. (“Digital Envoy”). I have personal knowledge of the facts set forth herein and, if  
5 called as a witness, would testify competently thereto.

6 2. Attached as Exhibit A is a true and correct copy of Plaintiff’s Exhibit 15.

7 3. Attached as Exhibit B is a true and correct copy of excerpts from the deposition of  
8 Steven L. Schimmel.

9 4. Attached as Exhibit C is a true and correct copy of Plaintiff’s Exhibit 18.

10 5. Attached as Exhibit D is a true and correct copy of excerpts from the deposition of  
11 Kulpreet Rana.

12 6. Attached as Exhibit E is a true and correct copy of Plaintiff’s Exhibit 25.

13 7. Attached as Exhibit F is a true and correct copy of Plaintiff’s Exhibit 2.

14 8. Attached as Exhibit G is a true and correct copy of Plaintiff’s Exhibit 28.

15 9. Attached as Exhibit H is a true and correct copy of Plaintiff’s Exhibit 8.

16 10. Attached as Exhibit I is a true and correct copy of excerpts from Google’s final  
17 prospectus.

18 11. Attached as Exhibit J is a true and correct copy of Plaintiff’s Exhibit 11.

19 12. Attached as Exhibit K is a true and correct copy of Plaintiff’s Exhibit 48.

20 13. Attached as Exhibit L is a true and correct copy of excerpts from the deposition of  
21 Robert L. Freidman.

22 14. Attached as Exhibit M is a true and correct copy of Plaintiff’s Exhibit 38.

23 15. Attached as Exhibit N is a true and correct copy of Plaintiff’s Exhibit 6.

24 16. Attached as Exhibit O is a true and correct copy of Plaintiff’s Exhibit 8.

25 17. Attached as Exhibit P is a true and correct copy of Plaintiff’s Exhibit 36.

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