

1 DAVID H. KRAMER, State Bar No. 168452
STEPHEN C. HOLMES, State Bar No. 200727
2 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
3 650 Page Mill Road
Palo Alto, CA 94304-1050
4 Telephone: (650) 493-9300
Facsimile: (650) 565-5100
5
6 Attorneys for Defendant/Counterclaimant
Google Inc.

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

11 DIGITAL ENVOY, INC.,)
12)
Plaintiff/Counterdefendant,)
13)
v.)
14)
GOOGLE INC.,)
15)
Defendant/Counterclaimant.)
16)
17)
18)

CASE NO. C 04 01497 RS
**DECLARATION OF SUSAN
WOJCICKI IN SUPPORT OF
GOOGLE INC.'S MOTION FOR
SUMMARY JUDGMENT**
Judge: Hon. Richard Seeborg
Courtroom: 4, 5th Floor
Date: March 30, 2005
Time: 9:30 a.m.

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1 I, Susan Wojcicki, declare as follows:

2 1. I am an employee of defendant and counterclaimant Google, Inc. (“Google”). I have
3 personal knowledge of the facts set forth herein and, if called as a witness, could and would
4 testify competently thereto.

5 2. Google is a global technology leader focused on improving the ways people connect with
6 information. Its longstanding company mission, which appears on its website at
7 www.google.com, is to “organize the world's information and make it universally accessible and
8 useful.” Google's utility and ease of use have made it one of the world's best known brands
9 almost entirely through word of mouth from satisfied users. Visitors to Google’s various
10 Internet web sites can locate information in Google’s “web index,” a database containing the
11 sortable content of more than eight billion Internet pages; they can scan through more than one
12 billion images, or peruse the world's largest archive of online bulletin board messages dating
13 back to 1981. Google supports these endeavors through advertising revenue which accounted for
14 approximately 99% of its gross revenues in 2004. Google strives to enable advertisers to deliver
15 cost-effective online advertising by targeting messages to the content on a given web page that a
16 user is viewing.

17 3. The advertising program that Google offers to advertisers is known as AdWords.
18 AdWords permits hundreds of thousands of advertisers to display their messages to Internet
19 users all over the world. If a user “clicks” on a given advertising message, the sponsoring
20 advertiser pays Google for that click.

21 4. The principal factor Google uses to locate advertisements to display to a
22 user is the user’s demonstrated interest in a particular subject. Thus, for example, when a visitor
23 queries Google’s web index for “basketball,” Google will search its inventory for basketball-
24 related advertisements that match the user’s interest. To select the specific message or messages
25 to display, Google then uses a host of other factors, for example, the “clickthrough” rate for a
26 particular advertisement, and the amount of money that an advertiser is willing to pay for a
27 user’s click.

28 5. In the Google AdWords program, Google’s advertisers inform Google of the “keywords”

1 to which they want display of their advertisements connected (e.g. display only when users
2 search for the term “basketball” or a viewing a web page about basketball). Advertisers also
3 select the maximum amount they are willing to pay Google each time a user “clicks” on their
4 message (e.g. \$.50 per click). Where two advertisers are interested in the same keywords, one
5 advertiser can generally increase its chance of having its message displayed by offering a higher
6 maximum payment per click than another. But because Google is interested in locating
7 advertisements that users find relevant, the advertiser with the highest offer will not necessarily
8 have its message displayed. Users may find another advertiser’s message more appealing, and
9 thus “click” on that message more often. Google uses the comparative “clickthrough rates” of
10 competing messages as another factor in its analysis of which message to display.

11 6. In early 2002, Google formally launched what is now known as its AdSense program.
12 AdSense affords third party web sites or “publishers” the ability to display to those visiting their
13 own web sites the advertising messages of participants in Google’s AdWords program. If a user
14 clicks on a message displayed on the third party site, the advertiser pays Google, and Google
15 shares a portion of that payment with the third party publisher.

16 7. Today, Google’s AdSense program takes two forms. In AdSense for search (“AFS”),
17 Google’s advertising messages are displayed to end-users who query a web index while visiting
18 a third party publisher’s site. Again, the user’s query guides Google’s selection of potentially
19 relevant advertisements. Google then selects specific messages from among that group using a
20 multi-factored process, and displays the messages alongside responsive listings from the web
21 index.

22 8. In AdSense for content (“AFC”), Google’s advertising messages are displayed to end-
23 users alongside particular content on the third party publisher’s site. Google uses an analysis of
24 the content the user is viewing, rather than a specific query by the end-user, to guide its search
25 for relevant advertisements. Thus, if an individual is reading an article on baking at the
26 Washington Post site, Google may display advertising messages matching that interest, though
27 again, the specific advertisement(s) selected will depend on a host of factors.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on February 23, 2005, at Mountain View, California.

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/s/ Susan Wojcicki
Susan Wojcicki

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CERTIFICATION

I, David H. Kramer, am the ECF User whose identification and password are being used to file the Declaration of Susan Wojcicki in Support of Google Inc.'s Motion for Summary Judgment. In compliance with General Order 45.X.B, I hereby attest that Susan Wojcicki has concurred in this filing.

DATED: February 23, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ David H. Kramer
David H. Kramer

Attorneys for Defendant / Counterclaimant
GOOGLE INC.