

**Exhibit A to the Declaration of David H. Kramer**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILED**

MAY 27 2005

KIRI TORRE  
Chief Executive Officer  
Superior Court of California County of Santa Clara  
By \_\_\_\_\_ Deputy

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA**

AFFINITY ENGINES, INC.,  
Plaintiffs,  
v.  
GOOGLE, INC., et al.  
Defendants.

Case No. 1-04-CV-020368

ORDER

The motions by defendant Google, Inc., to compel further responses to its First Set of Requests for Admission and to stay depositions and quash deposition notices and for a protective order, and the motions by plaintiff Affinity Engines, Inc., to compel responses to its Third Sets of Requests for Production and Special Interrogatories, to appoint a discovery referee, and to file documents under seal came on for hearing before the Honorable William J. Elfving on May 27, 2005, at 10:00 a.m. in Department 2. The matter having been submitted, the court orders as follows:

No. 1-04-CV-020368

ORDER ON DISCOVERY MOTIONS

1 1) Defendant's motion to compel further responses to Requests for Admission Nos. 2-24, and 27-  
2 28 is GRANTED. As to those Requests for Admission, plaintiff shall provide code-compliant  
3 supplemental responses, without further objection. Defendant's motion to compel further  
4 responses to Requests for Admission Nos. 25-26 is DENIED.

5  
6 2) Plaintiff's motion to compel further responses to Requests for Production Nos. 43 and 53-55  
7 and Special Interrogatory No. 7 is DENIED.

8  
9 3) Plaintiff's motion for the appointment of the Hon. Read Ambler as discovery referee is  
10 GRANTED. Plaintiff shall pay one-half the cost and defendants shall pay one-half the cost of the  
11 referee's services.

12  
13 4) Defendant's motion to quash the deposition subpoenas for Larry Page and Sergey Brin is  
14 DENIED. Defendant's motion for a protective order limiting the deposition to one or the other of  
15 Page and Brin is DENIED. Defendant's motion for protective order, requiring defendant to take  
16 the depositions of Marissa Meyer, Orkut Buyukkokten, and Google's PMK take place before the  
17 depositions of Page and Brin is GRANTED. Defendant's motion for protective order limiting the  
18 deposition of Page and Brin to the issues of (1) ownership of the software at issue; (2)  
19 defendant's hiring of Buyukkokten; and (3) defendant's decision to convert Buyukkokten's  
20 prototype software, which plaintiff claims it owned, is GRANTED.

21  
22 5) Plaintiff's motion to file under seal unredacted versions of (1) its opposition to defendant's  
23 motion to compel further responses to its first set of Requests for Admission and (2) its  
24 opposition to defendant's motion to compel further responses to Requests for Production and  
25 Special Interrogatories is GRANTED.

26  
27 6) Plaintiff's motion to file under seal the unredacted version of plaintiff's opposition to  
28 defendant's motion to stay depositions and quash deposition notices and for protective order and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

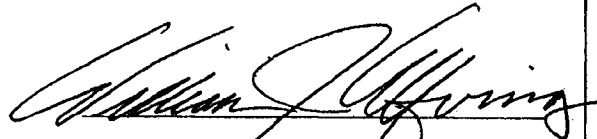
the supporting declarations of Attorney O'Rourke and Tyler Ziemann, with their attached exhibits, is GRANTED.

7) Defendant's motion to file under seal the unredacted version of defendant's Reply in the motion to compel further responses to RFAs and Reply in the motion to stay depositions and quash deposition notices and for protective order is GRANTED. The motion as to Exhibit A to the declaration of Attorney Volkmer Declaration is DENIED.

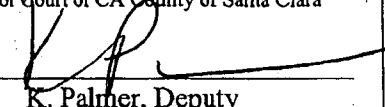
8) Plaintiff's motion to file under seal the unredacted version of Exhibit 1 to the Declaration of Attorney Ramsey in support of plaintiff's Reply in the motion to compel further RFP and SI responses is GRANTED.

Date:

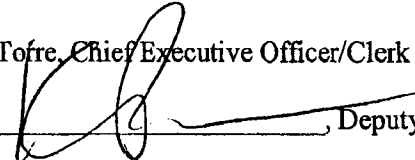
*5/27/05*



William J. Elving  
Judge of the Superior Court

<b>IN THE SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA</b>	<b>FILED</b> Date: <u>5/27/05</u> <b>KIRI TORRE</b> Chief Executive Officer Clerk Superior Court of CA County of Santa Clara
Plaintiff: AFFINITY ENGINES, INC.	By:  K. Palmer, Deputy
Defendant: GOOGLE, INC.	
<b>PROOF OF SERVICE BY MAIL OF:</b> ORDER (filed 5-27-05)	<b>Case Number:</b> 1-04-CV020368

CLERK'S CERTIFICATE OF SERVICE: I certify that I am not a party to this case and that a true copy of this document was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below and the document was mailed at SAN JOSE, CALIFORNIA on : May 27, 2005

Kiri Torre, Chief Executive Officer/Clerk  
 BY  Deputy

G. Hopkins Guy, III, Esq.  
 Rory Bens, Esq.  
 Orrick, Herrington  
 1000 Marsh Rd.  
 Menlo Park, CA 94015

David Kramer, Esq.  
 Colleen Bal, Esq.  
 Wilson, Sonsini  
 650 Page Mill Rd.  
 Palo Alto, CA 94304

Bart Volkner, Esq.  
 Wilson, Sonsini  
 650 Page Mill Rd.  
 Palo Alto, CA 94304