

**EXHIBIT 3**

1 G. HOPKINS GUY, III (State Bar No. 124811)  
ERIC L. WESENBERG (State Bar No. 139696)  
2 RORY G. BENS (State Bar No. 201674)  
GABRIEL M. RAMSEY (State Bar No. 209218)  
3 PETER J. O'ROURKE (State Bar No. 221764)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
4 1000 Marsh Road  
Menlo Park, CA 94025  
5 Telephone: (650) 614-7400  
Facsimile: (650) 614-7401

6 Attorneys for Defendant  
7 AFFINITY ENGINES, INC.

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

11  
12 GOOGLE INC., a Delaware corporation,

13 Plaintiff,

14 v.

15 AFFINITY ENGINES, INC., a Delaware  
16 corporation,

17 Defendant.

CASE NO.: C 05-00598 JW

**NOTICE REGARDING EXHIBIT  
ATTACHMENT**

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

This Exhibit in support of Affinity Engines Inc. Declaration of Rory G. Bens in Support of Affinity Engines, Inc.'s Reply to Google's Opposition to Affinity Engines, Inc.'s Motion for Further Case Management Conference Re: Scope of Brin and Page Depositions, is in paper form only and is being maintained in the case file in the Clerk's office.

Reason for Manual filing:

Exhibits designated "Confidential – Attorneys Eyes Only". Exhibits being filed under seal.

Dated: November 21, 2005

G. HOPKINS GUY, III  
ORRICK, HERRINGTON & SUTCLIFFE LLP

\_\_\_\_\_  
/s/  
Attorneys for Defendant  
Affinity Engines, Inc.