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 MICROSOFT CORPORATION

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN JOSE DIVISION**

15 GOOGLE, INC. and KAI-FU LEE,
 16 Plaintiffs,
 17 v.
 18 MICROSOFT CORPORATION,
 19 Defendant.

Case No. C 05-03095 RMW

**DECLARATION OF MICHAEL J.
 BETTINGER IN SUPPORT OF
 MICROSOFT'S MOTION TO
 DISMISS, TRANSFER OR STAY**

Date: October 14, 2005
 Time: 9:00 a.m.
 Place: Courtroom 6
 Hon. Ronald M. Whyte

21
 22 I, MICHAEL J. BETTINGER, declare as follows:

23 1. I am an attorney licensed to practice in the State of California and before this
 24 Court, and am a partner in the law firm of Preston Gates & Ellis, LLP, attorneys of record for
 25 defendant Microsoft Corporation in the above-entitled action. I have personal knowledge of the
 26

1 facts stated herein and, if called as a witness, would testify as follows.

2 2. Attached hereto as Exhibit 1 is a true and correct copy of the Employment
3 Agreement between Microsoft Corporation and Kai-Fu Lee, dated August 8, 2000.

4 3. Attached hereto as Exhibit 2 is a true and correct copy of the complaint filed by
5 Microsoft Corporation against Kai-Fu Lee and Google, Inc. in the Superior Court of the State of
6 Washington In and For the County of King, on July 19, 2005.

7 4. Attached hereto as Exhibit 3 is a true and correct copy of the Temporary
8 Restraining Order, dated July 28, 2005, signed by King County Superior Court Judge Steven
9 Gonzales.

10 5. Attached hereto as Exhibit 4 is a true and correct copy of the Order Expediting
11 Trial Date, dated July 29, 2005, signed by King County Superior Court Judge Steven Gonzales.

12 6. Attached hereto as Exhibit 5 is a true and correct copy of the Order Appointing
13 Discovery Master, dated July 29, 2005, signed by King County Superior Court Judge Steven
14 Gonzales.

15 7. Attached hereto as Exhibit 6 is a true and correct copy of the Order Granting
16 Motion to Intervene and Granting, In Part, Motion to Unseal Documents, dated August 2, 2005,
17 signed by King County Superior Court Judge Steven Gonzales.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of a Google, Inc. press
19 release, dated July 19, 2005, announcing that Kai-Fu Lee will lead Google's new Research and
20 Development Center in China. The press release quotes Dr. Lee as stating "I look forward to
21 returning to China to begin this exciting endeavor."

