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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 OPPOSITION TO  
 PLAINTIFFS' MOTION FOR  
 SUMMARY JUDGMENT**

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

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 Tab A is a true and correct copy of Microsoft's Motion for  
3 Temporary Restraining Order and Order to Show Cause dated July 25, 2005.

4 3. Attached hereto as Tab B is a true and correct copy of Defendants' Opposition to  
5 Plaintiff's Motion for Temporary Restraining Order dated July 26, 2005.

6 4. Attached hereto as Tab C is a true and correct copy of the Order Amending  
7 Stipulated Protective Order signed by King County Superior Court Judge Steven C. Gonzalez on  
8 August 29, 2005.

9 5. Attached hereto as Tab D is a true and correct copy of Defendant Kai-Fu Lee's  
10 Motion for Evidentiary Hearing and Permission to Take Oral Testimony dated August 19, 2005.

11 6. Attached hereto as Tab E is a true and correct copy of Google Inc.'s Joinder of  
12 Lee's Motion for Evidentiary Hearing dated August 22, 2005.

13 7. Attached hereto as Tab F is a true and correct copy of Defendant's Motion to  
14 Dissolve or Modify Temporary Restraining Order dated August 31, 2005.

15 8. Attached hereto as Tab G is a true and correct copy of Kai-Fu Lee's Opposition to  
16 Microsoft's Motion for Preliminary Injunction dated August 30, 2005.

17 9. Attached hereto as Tab H is a true and correct copy of the Preliminary Injunction  
18 Order signed by King County Superior Court Judge Steven C. Gonzalez on September 13, 2005.

19 10. Attached hereto as Tab I is a true and correct copy of the transcript of the  
20 Preliminary Injunction Hearing dated September 13, 2005.

21 11. Attached hereto as Tab J is a true and correct copy of an article from the Los  
22 Angeles Times, "Ex-Microsoft Exec Can Start at Google" dated September 14, 2005.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of September, 2005 at San Francisco, California.

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/s/  
Michael J. Bettinger