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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

**SUPPLEMENTAL 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

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 8 is a true and correct copy of an article published in
3 the Los Angeles Times, "Ex-Microsoft Exec Can Start at Google," dated September 30, 2005.

4 3. Attached hereto as Exhibit 9 is a true and correct copy of an article published in
5 the China Daily, "Ex-Microsoft Executive Can Recruit for Google," dated September 15, 2005.

6 4. Attached hereto as Exhibit 10 is a true and correct copy of the Preliminary
7 Injunction Order signed by King County Superior Court Judge Steven González dated September
8 13, 2005.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this
10 30th day of September, 2005 at San Francisco, California.

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13 /s/ Michael J. Bettinger

14 Michael J. Bettinger
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