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7 Attorneys for Defendant Google Inc.

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**UNITED STATES DISTRICT COURT**

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**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

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12 CLRB HANSON INDUSTRIES, LLC d/b/a  
 13 INDUSTRIAL PRINTING, and HOWARD  
 STERN, on behalf of themselves and all others  
 similarly situated,

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Plaintiffs,

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v.

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GOOGLE, INC.,

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Defendant.

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CASE NO. C 05-03649 JW

**DECLARATION OF HEATHER  
 WILBURN IN SUPPORT OF GOOGLE  
 INC.'S OPENING BRIEF REGARDING  
 THE 120% RULE**

DECLARATION OF HEATHER WILBURN IN SUPPORT OF GOOGLE  
 INC.'S OPENING BRIEF REGARDING THE 120% RULE  
 CASE NO. 05-03649  
 41063-0023/LEGAL13907681.1

1 I, Heather Wilburn, declare as follows:

2 1. I am employed as an AdWords Account Strategist at Google Inc. ("Google"). I  
3 submit this declaration in support of Google's Opening Brief Regarding The 120% Rule. I have  
4 personal knowledge of the facts set forth below except as to those matters stated on information  
5 and belief, and as to those matters, I believe them to be true. If called upon to testify, I could and  
6 would testify competently as to the matters set forth herein.

7 2. I have been employed at Google since March 2002 in the capacity of AdWords  
8 Account Strategist (the title of AdWords Account Strategist was recently changed from  
9 AdWords Account Associate; this was a change in title name only). My responsibilities include  
10 but are not limited to: responding to customer emails and phone inquiries pertaining to the  
11 management, structure, and function of the AdWords program, managing accounts of high  
12 spending advertisers in the Travel and Retail verticals, training new team members, and  
13 evaluating peers. As a result of my duties as AdWords Account Strategist, I am and have been  
14 familiar with the AdWords sign up process for advertisers since the beginning of my  
15 employment at Google.

16 3. Around March 2007, while preparing for my deposition in this case, I searched  
17 files and materials that I have maintained in my office since the beginning of my employment at  
18 Google. During this search, I located a five year old binder of AdWords training materials,  
19 which I provided to the legal department. This binder included a printout of a PowerPoint  
20 presentation which included a webpage screenshot showing the "Specify your daily budget"  
21 screen from the AdWords sign up webpages in the 2002 period. I believe the screenshot image  
22 on this printout is an accurate depiction of the "Specify your daily budget" screen from the  
23 AdWords sign up webpages in 2002. This screen states: "Just enter what you'd like to spend per  
24 day in the 'Daily budget' box, and Google will show your ad evenly throughout the day. Your  
25 actual daily charges may fluctuate by 20% because of changing search volume, but the  
26 maximum you will spend in a 30-day calendar month should be no more than 30 times your  
27 daily budget." Attached hereto as Exhibit A is a true and correct copy of this printout.

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4. I am informed and believe that the legal department immediately supplied the AdWords training binder to our outside counsel, who in turn produced the binder to plaintiffs in advance of my deposition in this case.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed this 29<sup>th</sup> day of January, 2008, at Mountain View, California.

  
Heather Wilburn