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11 Attorneys for Defendant
 12 Google Inc.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17 KINDERSTART.COM, LLC, a California)
 18 limited liability company, on behalf of itself and)
 all others similarly situated,)
 19 Plaintiffs,)
 20 v.)
 21 GOOGLE INC., a Delaware corporation,)
 22 Defendant.)

CASE NO.: C 06-2057 JF (RS)
**DECLARATION OF
 BART E. VOLKMER IN SUPPORT
 OF DEFENDANT GOOGLE'S
 MOTION TO DISMISS
 PLAINTIFF'S SECOND AMENDED
 COMPLAINT**

Before: Hon. Jeremy Fogel
 Date: October 27, 2006
 Time: 9:00 a.m.
 Courtroom: 3

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1 I, Bart E. Volkmer, declare as follows:

2 1. I am an attorney duly licensed to practice before this Court, and an associate of
3 the law firm of Wilson, Sonsini, Goodrich & Rosati, counsel to defendant Google, Inc.
4 (“Google”). I am over the age of eighteen and competent to make this declaration. I make each
5 of the following statements based on my personal knowledge, and I could, if necessary, testify to
6 the truth of each of them.

7 2. Attached hereto as Exhibit A is a true and correct copy of a web page printed
8 from <http://www.google.com/support/toolbar/bin/answer.py?answer=15626> on September 22,
9 2006.

10 3. Attached hereto as Exhibit B is a true and correct copy of a web page printed from
11 <http://www.google.com/support/toolbar/bin/answer.py?answer=14292&topic=938>) on
12 September 22, 2006.

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14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct to the best of my knowledge. Executed on September 22, 2006 at Palo Alto,
16 California.

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18 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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20 By: /s/ Bart E. Volkmer
Bart E. Volkmer

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22 Attorneys for Defendant
Google Inc.

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