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7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11
12 JASON WEBER, an individual, on behalf
of himself and all others similarly situated,

13 Plaintiff,

14 v.

15 GOOGLE INC., a Delaware Corporation,

16 Defendant.
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Case No. 5:10-cv-05035-LHK

**DECLARATION OF BRYNLY R. LLYR IN
SUPPORT OF GOOGLE INC'S MOTION
TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO RULES 12(b)(1) AND
12(b)(6)**

Hearing Date: June 23, 2011
Time: 1:30 p.m.
Place: Courtroom 4, 5th Floor
Judge: Hon. Lucy H. Koh

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I, Brynly R. Llyr, declare as follows:

1. I am a member in good standing of the Bar of the State of California and counsel with the law firm of O'Melveny & Myers, LLP, counsel for defendant Google Inc. in this matter. I submit this Declaration in support of Google's Motion to Dismiss Plaintiff's First Amended Complaint Pursuant To Rules 12(b)(1) and 12(b)(6). I make this declaration of my own personal knowledge and, if called as a witness, would testify to the matters set forth below.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the document referred to in Plaintiff's First Amended Complaint ("FAC") as the "Google Toolbar Privacy Notice." (FAC ¶¶ 23, 38.) Exhibit 1 is dated December 9, 2009 and was printed on April 15, 2011 from Google's website. It is available at <http://www.google.com/support/toolbar/bin/answer.py?hl=en&answer=81841&rd=2>. The FAC states that the Google Toolbar Privacy Notice is available at <http://toolbar.google.com/privacy.html>. The URL provided by Plaintiff automatically redirects to <http://www.google.com/support/toolbar/bin/answer.py?hl=en&answer=81841&rd=2>.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed on April 15, 2011 in San Francisco, CA.



Brynly R. Llyr