

4. I am informed that Plaintiff has indicated that AdWords accounts 549-100-6859, 356-439-1741, 758-713-4047, 943-546-8800, 544-065-9645, 259-964-0096, 338-794-1045, 736-728-0431, 832-287-9582, 906-559-3984, and 521-108-8939 are associated with Plaintiff.

5. According to Google's records, accounts 549-100-6859, 356-439-1741, 758-713-4047, 943-546-8800, 544-065-9645, 259-964-0096, 338-794-1045, 736-728-0431, 832-287-9582, and 906-559-3984 were created before August 2006. According to Google's records, account 521-108-8939 was created on November 28, 2006.

6. Based on my understanding of Google's AdWords program, for the accounts created before August 2006, the current terms and conditions were accepted electronically after they were released in August 2006. Google's records indicate that the current terms and conditions for these accounts were accepted electronically on August 29, 2006 by the email address (which is associated with each account as a valid log-in email address) listed under the August 29, 2006 date. These records are attached as Exhibits B through K.

7. Based on my understanding of Google's AdWords program, for the account created on November 28, 2006, the current terms and conditions were accepted electronically at the time the account was activated. Google's record indicates that the current terms and conditions for this account were accepted electronically on November 28, 2006 by the email address (which is associated with the account as a valid log-in email address) listed under the November 28, 2006 date. This record is attached as Exhibit L.

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

Executed on March 30, 2009, at Mountain View, California.


Heather Wilburn