

1 DAVID H. KRAMER, State Bar No. 168452  
2 WILSON SONSINI GOODRICH & ROSATI  
3 Professional Corporation  
4 650 Page Mill Road  
5 Palo Alto, CA 94304-1050  
6 Telephone: (650) 493-9300  
7 Facsimile: (650) 565-5100  
8 [DKramer@wsgr.com](mailto:DKramer@wsgr.com)

9 Attorneys for Defendant Google Inc.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 CARL E. PERSON,  
14 Plaintiff,

15 v.

16 GOOGLE INC.,  
17 Defendant.

) CASE NO.: C 06-7297 JF (RS)  
)  
) **DECLARATION OF DAVID H.**  
) **KRAMER IN SUPPORT OF**  
) **DEFENDANT GOOGLE INC.'S**  
) **MOTION TO DISMISS THE**  
) **COMPLAINT**  
)  
) Date: March 2, 2007  
) Time: 9:00 a.m.  
) Dept: 3  
) Before: Hon. Jeremy Fogel  
)

1 I, David H. Kramer, declare as follows:

2 1. I am a partner with Wilson Sonsini Goodrich & Rosati (“WSGR”) and counsel of  
3 record for Defendant Google Inc. (“Google”) in this action. The following facts are true of my  
4 personal knowledge and if called and sworn as a witness, I could and would testify competently  
5 to them.

6 2. Annexed hereto as Exhibit A is a true and correct copy of the Google Inc.  
7 Advertising Program Terms (“AdWords Agreement”) from the Google AdWords website, found  
8 at <https://adwords.google.com/select/TCUSbilling0406.html>.

9 3. Annexed hereto as Exhibit B is a true and correct copy of the Declaration of  
10 David DiNucci (and all exhibits appended thereto), executed August 28, 2006, and filed in  
11 connection with Google’s motion to dismiss for improper venue.

12 4. Annexed hereto as Exhibit C is a true and correct copy of the Complaint filed in  
13 this action.

14 5. Annexed hereto as Exhibit D is a true and correct copy of the docket sheet for  
15 plaintiff’s action, initially filed in the United States District Court for the Southern District of  
16 New York.

17 6. Annexed hereto as Exhibit E is a true and correct copy of the amendments to the  
18 Complaint, filed by plaintiff on August 3, 2006.

19 7. Annexed hereto as Exhibit F is a true and correct copy of the transcript from oral  
20 argument, held September 13, 2006, concerning Google’s motion to dismiss.

21 8. Annexed hereto as Exhibit G is a true and correct copy of the Opinion and Order,  
22 filed October 11, 2006 in this case, granting Google’s motion to dismiss the complaint for  
23 improper venue and transferring the case to the Northern District of California at San Jose.

24 //

25 //

26 //

27 //

28 //

1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct to the best of my knowledge.

3 Executed on January 25, 2007 at Palo Alto, California.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By: /s/ David H. Kramer  
David H. Kramer