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8 Attorneys for Defendant, AZOOGLEADS.COM, INC.

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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**

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15 **ASIS INTERNET SERVICES**, a California  
corporation,

16 Plaintiff,

17 vs.

18 **OPTIN GLOBAL, INC.**, a Delaware  
19 Corporation, also dba Vision Media Limited  
Corp., USA Lenders Network, USA Lenders,  
20 and USA Debt Consolidation Service; et al.,

21 Defendants.

Case No. C-05-5124 JCS

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24 **SUPPLEMENTAL DECLARATION OF**  
**DAVID GRAFF IN SUPPORT OF**  
**AZOOGLEADS.COM, INC.'S**  
**RESPONSES TO ASIS INTERNET**  
**SERVICES'S EVIDENTIARY**  
**OBJECTIONS**

Date: March 14, 2008

Time: 1:30 p.m.

Ctrm: A, 15<sup>th</sup> Floor

The Honorable Joseph C. Spero

25 I, David Graff, declare as follows:

26 1. I am the General Counsel for AzoogLeads.com, Inc. ("AzoogLe"), a party to this  
27 action. As the General Counsel, I exercise supervisory authority over AzoogLe's legal  
28 department. I provide this supplemental declaration in support of AzoogLe's Responses to ASIS

Case No. C-05-5124 JCS

**SUPPLEMENTAL DECLARATION OF**  
**DAVID GRAFF**

1 Internet Services's Evidentiary Objections. Unless otherwise stated, I have personal knowledge  
2 of the facts stated herein.

3 2. As part of my responsibilities as the General Counsel for Azoogle, I regularly  
4 review certain categories of Azoogle's business records, and I am personally familiar with the  
5 manner in which these documents are prepared and, as necessary to Azoogle's business,  
6 preserved. Among these categories of business records are certain records memorializing  
7 Azoogle's relationships with third parties, including without limitation Azoogle's standard lead  
8 provider terms, accounting and other database entries reflecting the existence of lead provider  
9 relationships, and certain summaries of performance and/or non-performance by Azoogle's lead  
10 providers. Also included among these categories of business records are certain records  
11 reflecting the domain name and IP address ownership and use thereof by Azoogle, Azoogle's  
12 ownership of certain intellectual property, and lead purchase and sales activity conducted by  
13 Azoogle, including as reflected in Azoogle's former Lead Agents systems. The above-described  
14 categories of records are, or were, regularly and contemporaneously prepared in the course of  
15 Azoogle's business by Azoogle personnel with direct and accurate knowledge of the events and  
16 relationships described therein, and by Azoogle systems designed to accurately and  
17 contemporaneously record the information contained therein. These business records have been  
18 produced to ASIS Internet Services ("ASIS"), as relevant to this action.

19 3. To determine whether Azoogle has had a relationship with a third party, it is  
20 Azoogle's practice to search the above-referenced records for any reference to that third party.

21 4. The statements made in my original Declaration of David Graff In Support of  
22 AzoogleAds.com, Inc.'s Motion for Summary Judgment or in the Alternative Summary  
23 Adjudication ("Original Declaration") were based either on my personal, percipient knowledge or  
24 on my review of the above-described business records. Specifically:

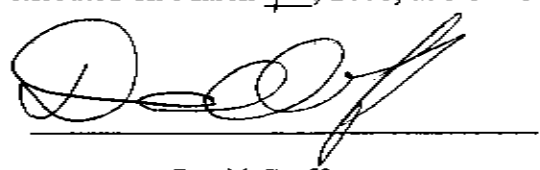
- 25 • The statements contained in Paragraphs 3 and 4 of my Original Declaration were based on  
26 my review of Azoogle's standard Insertion Order as executed with Seamless Media Corp.  
27 ("Seamless"), including the Azoogle Refinance Lead Criteria Document 2005 document  
28 incorporated therein, as well my review of the Azoogle Lead Agents record concerning the

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“Bruce Wolf” lead;

- The statements contained in Paragraphs 5-9 and 14 of my Original Declaration were based on the lack of any business records evidencing Seamless’s non-compliance with the Insertion Order.
- The statements contained in Paragraphs 10-12 of my Original Declaration were based on the lack of any business record referencing these parties and/or individuals. If Azoogle had had any relationship with Scribe Interactive, John Stothers, and BestLeadz, such relationship would have been recorded by Azoogle in the ordinary course of Azoogle’s business.
- The statement contained in Paragraph 13 of the Original Declaration was based on my review of Azoogle’s records of the domain names owned by Azoogle. Such records were kept by Azoogle in the ordinary course of business, and were produced in summary form to ASIS. Those records indicated that the domain names appearing in the alleged emails were not owned or used by Azoogle.
- The statement contained in Paragraph 15 of the Original Declaration was based on my review of the Lead Agents record concerning the Bruce Wolf lead, which was kept by Azoogle in the ordinary course of business and produced to ASIS.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct and that this Declaration was executed on March 7<sup>th</sup>, 2008, at New York, New York.

  
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David Graff