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Attorneys for Defendant, AZOOGLEADS.COM, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASIS INTERNET SERVICES, a California corporation,

Plaintiff,

vs.

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

Defendants.

Case No. C-05-5124 JCS

DECLARATION OF HENRY M. BURGOYNE, III IN SUPPORT OF AZOOGLEADS.COM, INC.'S PROPOSED REDACTIONS TO ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DISMISSING ACTION

1 I, Henry M. Burgoyne, III, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and the United
3 States District Court for the Northern District of California. I am a partner at the law firm of
4 Kronenberger Burgoyne, LLP, counsel of record for Defendant Azoogles.com, Inc.
5 (“Azoogles”). Unless otherwise stated, I have personal knowledge of the facts stated herein.

6 2. Pursuant to the Order to File Under Seal Court’s March 27, 2008 Order [D.E.
7 #389], my colleagues and I reviewed the Order Granting Defendant’s Motion for Summary
8 Judgment, Denying Plaintiff’s Motion for Summary Judgment and Dismissing Action (the
9 “Order”) for information designated pursuant to the Protective Order in effect in this matter [D.E.
10 #148], and thus entitled to protection. Submitted herewith as Exhibit A, conditionally filed under
11 seal pending approval of such by the Court, is a copy of the Order with Azoogles’s proposed
12 redactions.

13 3. To determine what information was designated pursuant to the Protective Order,
14 my colleagues and I reviewed the evidentiary citations in the Order and examined whether the
15 cited deposition testimony or documents were designated either “Highly Confidential –
16 Attorney’s Eyes Only” (“AEO”) or “Confidential” by Azoogles pursuant to the terms of the
17 Protective Order.

18 4. Azoogles proposes the redactions on lines 10 and 22-26 of page 3 of the Order
19 because Paragraphs 10 and 14 of the Declaration of Donald H. Mathis in Opposition to Plaintiff
20 ASIS Internet Services, Inc.’s Motion for Summary Adjudication of Issues were redacted in the
21 version Azoogles submitted by electronic filing to be filed in the public record, as it contained
22 proprietary information.

23 5. Azoogles proposes the redactions from line 4 of page 4 through line 2 of page 5 and
24 lines 2-3 of page 10 of the Order because Exhibit C to the Supplemental Declaration of Henry M.
25 Burgoyne, III in Support of Azoogles.com, Inc.’s Reply Memorandum for Summary Judgment
26 or in the Alternative Summary Adjudication, and Exhibit D to the Declaration of Jason K.
27 Singleton in Support of Opposition to Azoogles’s Motion for Summary Judgment (“Singleton
28 Opp. Decl.”) contained excerpts from Julian Mossanen’s deposition transcript. These exhibits

1 were filed under seal, as Azoogole designated all pages of the Mossanen deposition transcript as
2 Confidential pursuant to the Protective Order.

3 6. Azoogole proposes the redaction on lines 3-4 of page 5 of the Order because
4 Exhibit M to the Singleton Opp. Decl. contained excerpts from the Alex Zhardanovsky
5 deposition transcript and was filed under seal, as Azoogole designated the all pages of the
6 Zhardanovsky deposition transcript as AEO or Confidential pursuant to the Protective Order.

7 7. Azoogole proposes the redactions on lines 1-6 of page 6, lines 14-15 of page 9, and
8 line 18 of page 9 through line 1 of page 10 of the Order because Exhibit B to the Declaration of
9 Margarita Calpotura in Opposition to Plaintiff ASIS Internet Services, Inc.'s Motion for
10 Summary Adjudication of Issues, and Exhibit I to the Declaration of Richard E. Grabowski in
11 Support of Motion for Summary Adjudication of Issues comprised of documents produced by
12 Azoogole. These exhibits were filed under seal, as Azoogole designated the documents AEO
13 pursuant to the Protective Order.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct and that this Declaration was executed this 9th day of April 2008, at San
16 Francisco, California.

17 _____
18 /s/
Henry M. Burgoyne, III

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Exhibit A

(Conditionally Filed Under Seal)