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9 Attorneys for Respondent
 GOOGLE INC.

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

14 ALBERTO R. GONZALEZ, in his official
 capacity as ATTORNEY GENERAL OF THE
 15 UNITED STATES,

CASE NO. 5:06-mc-80006-JW

DECLARATION OF ASHOK RAMANI

16 Movant,

17 v.

18 GOOGLE INC.,

19 Respondent.

21 ASHOK RAMANI states as follows:

22 1. I am a partner with Keker & Van Nest LLP. From August 8, 2005 to January 20,
 23 2006, I temporarily served as Commercial Litigation Counsel to Google. In that capacity, I was
 24 responsible for responding to the subpoena from Alberto R. Gonzales (the "Government") that is
 25 the subject of this action.

26 2. On or about August 25, 2005, Google received a copy of a subpoena from the
 27 Government requesting documents for litigation over the constitutionality of the Child Online
 28

1 Protection Act ("COPA"), captioned as *American Civil Liberties Union, et al. v. Alberto R.*
2 *Gonzales*, Case No. 98-5591 and pending in the United States District Court for the Eastern
3 District of Pennsylvania.

4 3. In or about September 2005, I communicated with Joel McElvain, attorney for the
5 Government, about the subpoena. The Government offered a general explanation that its
6 purported expert, Professor Philip B. Stark, Ph.D., wanted the information to help formulate his
7 opinions in the underlying litigation in Pennsylvania. I explained that Google was concerned
8 about disclosing the private search queries of its users and disclosing confidential information
9 about Google's business. Additionally, I noted that the subpoena was extremely broad and
10 potentially very burdensome to Google.

11 4. The Government tried but still did not make clear what it intended to do with
12 Google's information, but did agree to limit the number of URLs sought from Google and the time
13 period for the requested search queries. Additionally, Mr. McElvain courteously agreed to grant
14 an extension for Google to respond to the subpoena until October 10, 2005.

15 5. On October 10, 2005, I sent Mr. McElvain a letter outlining Google's objections to
16 the subpoena, including that the information subpoenaed did not appear to be relevant to the
17 Government's request, the subpoena intruded upon Google's users' privacy and Google's trade
18 secrets, and subpoena compliance would be unduly burdensome.

19 6. Mr. McElvain and I spoke several times in October, November, and December of
20 2005, and attempted to resolve Google's objections to the subpoena. Professor Stark joined some
21 of these conversations. Despite Google's repeated persistence, the Government did not or could
22 not explain in appropriate detail how Professor Stark intended to use Google's sensitive and
23 confidential data.

24 7. I am informed and believe that almost six years ago, Professor Stark obtained a
25 small sample of URLs and queries from a particular Google engineer for what Professor Stark
26 described as a research project. I am also informed and believe that it is and has been Google's
27 policy for years not to share any such information with third parties.

1 8. The ACLU has informed Google that the ACLU has issued a subpoena to AOL to
2 learn about the data AOL produced in response to the Government's subpoena, including how
3 AOL filters information on the Web. The ACLU has stated it will likely issue a similar subpoena
4 to Google if the Court compels Google to respond to the Government's subpoena.

5 9. Attached hereto as Exhibit A is a true and correct copy of Professor Stark's
6 curriculum vitae, which can be found at <http://stat-www.berkeley.edu/~stark/bio>.

7 10. Attached hereto as Exhibit B is a true and correct copy of a Newsweek article dated
8 January 30, 2006.

9 11. Attached hereto as Exhibit C is a true and correct copy of Google's privacy policy,
10 which can be found at <http://www.google.com/privacypolicy.html>.

11 I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

12 DATED at SAN FRANCISCO, CALIFORNIA, this 16th day of February, 2006.

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16 ASHOK RAMANI

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