

# **EXHIBIT C**

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10 Attorneys for Plaintiff  
11 OVERTURE SERVICES, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15  
16 OVERTURE SERVICES, INC., a  
Delaware Corporation,

17 Plaintiff,

18 vs.

19 GOOGLE INC., a California  
20 Corporation,

21 Defendant.

No. C02-01991 CRB ADR

**OVERTURE SERVICES, INC.'S FIRST  
SET OF REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS AND  
THINGS (NOS. 1-72) TO  
GOOGLE INC.**

22  
23 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff,  
24 Overture Services Inc. ("Overture"), requests that Defendant, Google Inc. ("Google"),  
25 respond in writing to the following requests for the production of documents and  
26 things. Overture requests that the documents be produced by Google for inspection  
27 and copying within thirty (30) days after the date of service hereof, at the offices of  
28

1 Brinks Hofer Gilson & Lione, 455 North Cityfront Plaza Drive, NBC Tower, Suite  
2 3600, Chicago, Illinois 60611, or at such time or place as counsel may agree upon.

3 If Google withholds from production any of the requested documents on the  
4 basis of a claim of attorney-client privilege or work-product immunity, Overture  
5 requests that Google provide, within thirty (30) days of service of this request, or at a  
6 time mutually agreed upon by the parties, a list identifying each withheld document  
7 in accordance with Fed. R. Civ. P. 26(b)(5).

8  
9 **DEFINITIONS AND INSTRUCTIONS**

10 1. The terms "the '361 patent" and "the Patent-In-Suit" mean U.S. Patent  
11 No. 6,269,361.

12 2. The term "Overture" means Overture Systems, Inc., as well as any  
13 parents, subsidiaries, divisions, affiliates, predecessors (including GoTo.com, Inc.),  
14 successors, and assigns, and all of its current and former officers, directors, owners,  
15 shareholders, employees, contractors, agents, attorneys, and representatives.

16 3. The term "Google" means Google Inc., as well as any parents,  
17 subsidiaries, divisions, affiliates, predecessors, successors, and assigns and all of  
18 its current and former officers, directors, owners, shareholders, employees,  
19 contractors, agents, attorneys, and representatives.

20 4. The term "person" refers to both natural persons and to corporate and  
21 other business, governmental, or organizational entities, and the acts of a person  
22 are defined to include the acts of directors, officers, owners, members, employees,  
23 agents, or attorneys acting on the person's behalf.

24 5. The terms "document," "documents," or "documentation" refer to any  
25 and all tangible items or sources of information within the meaning of Fed. R. Civ. P.  
26 34, whether original or non-identical copies of such items, in both final and draft  
27 form, of every kind and nature whatsoever, whether written, typewritten, printed,  
28 graphic, or recorded material, that are within Google's possession, custody, or

1 control, or that are known by Google to exist. These terms include, but are not  
2 limited to, the following materials: any and all papers, documents, correspondence,  
3 letters, electronic mail, manuals, computer tapes, disks, or other storage media,  
4 data, photographs, videos, surveys, drawings, films, schematics, computer  
5 generated information, website information, notes, memoranda, charts, graphs,  
6 drawings, designs, specifications, publications, diagrams, journals, calendars,  
7 diaries, logs, log books, messages, reports, or any other papers or writings or  
8 communications or summaries thereof, as well as physical models, physical  
9 embodiments, and prototypes.

10 6. The term "identify," when used with reference to a document, means to  
11 set forth the date, author or originator, addressees, recipients, type of document,  
12 present custodian of the document, and general subject matter of the document.

13 7. The term "identify," when used with reference to a natural person,  
14 means to state the person's full name, present or last known home address, present  
15 or last known occupation and title, present or last known employer and business  
16 address, and present or last known home and business telephone numbers.

17 8. The term "identify," when used with reference to an entity other than a  
18 natural person, means to state the entity's actual name and any fictitious name,  
19 present or last known address, and type of entity.

20 9. The term "date" means the exact day, month, and year, if  
21 ascertainable, or if not, the best approximation (including relationship to other  
22 events).

23 10. The term "relating to" means analyzing, assessing, comprising,  
24 concerning, containing, constituting, describing, discussing, establishing, evidencing,  
25 identifying, including, referring to, regarding, reflecting, recording, stating, or having  
26 any connection with.

27 11. The term "Google's Sponsored Search System" means any and all  
28 hardware and software components that are used to implement any search or

1 advertising program that is designed, made, used, operated, licensed, or sold by  
2 Google, in which websites or uniform resource locators (URLs) are included in an  
3 index or pool of sites available for display as a result of participation in a paid  
4 placement or paid inclusion program. Such search or advertising programs include,  
5 but are not limited to, Google's AdWords Select program.

6 12. The term "Overture's Sponsored Search System" means any and all  
7 hardware and software components that are used to implement any search or  
8 advertising program that is designed, made, used, operated, licensed, or sold by  
9 Overture, in which websites or uniform resource locators (URLs) are included in an  
10 index or pool of sites available for display as a result of participation in a paid  
11 placement or paid inclusion program. Such search or advertising programs include,  
12 but are not limited to, Overture's Pay-For-Performance search program.

13 13. The term "Sponsored Search System" means any and all hardware and  
14 software components that are used to implement any search or advertising program  
15 in which websites or uniform resource locators (URLs) are included in an index or  
16 pool of sites available for display as a result of participation in a paid placement or  
17 paid inclusion program.

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19 **REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

20 1. All documents relating to Google's first knowledge or awareness of the  
21 '361 patent.

22  
23 2. All documents relating to Google's knowledge or awareness of the '361  
24 patent, the U.S. file history for the '361 patent, or any foreign counterpart  
25 applications or related patents.

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27 3. All documents relating to the '361 patent.  
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1 4. All documents relating to any study, analysis, review, conclusions, or  
2 contentions with respect to:

- 3 (a) infringement or noninfringement of any claim of the '361 patent;
- 4 (b) validity or invalidity of any claim of the '361 patent;
- 5 (c) enforceability or unenforceability of any claim of the '361 patent; or
- 6 (d) interpretation or scope of any of claim of the '361 patent.

7  
8 5. All documents relating to any oral or written opinion of legal counsel  
9 with respect to:

- 10 (a) infringement or noninfringement of any claim of the '361 patent;
- 11 (b) validity or invalidity of any claim of the '361 patent;
- 12 (c) enforceability or unenforceability of any claim of the '361 patent; or
- 13 (d) interpretation or scope of any of claim of the '361 patent.

14  
15 6. All documents considered by the author of any search, study, analysis,  
16 review, conclusion, contention, or opinion relating to validity, invalidity, enforceability,  
17 unenforceability, infringement, or non-infringement of the '361 patent.

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19 7. All documents relating to any comparison of the functions, features, or  
20 characteristics of Google's Sponsored Search System with any claim or portion of  
21 the '361 patent.

22  
23 8. All documents relating to any discussion or communication, whether  
24 written or oral, relating to possible infringement of the '361 patent, including, without  
25 limitation, recorded notes, minutes, or memoranda of any meeting relating to  
26 whether Google's Sponsored Search System or any other Sponsored Search  
27 System infringes the '361 patent.

1 9. All documents relating to any steps, procedures, or efforts made by  
2 Google to avoid infringement of the '361 patent, including, without limitation,  
3 documents that relate to any effort to design, redesign, or modify Google's  
4 Sponsored Search System after Google became aware of the '361 patent.  
5

6 10. All documents relating to any contingency plan or other plan of Google  
7 that might be implemented in the event that Google is enjoined from infringement of  
8 the '361 patent.  
9

10 11. Documents sufficient to establish any policy, practice, or procedure of  
11 Google relating to the avoidance or non-avoidance of patent infringement.  
12

13 12. All documents relating to any factual bases for Google's assertion that  
14 the '361 patent is invalid, including all patents, publications, and any other  
15 documents relating to any alleged public use, offer for sale, knowledge, prior  
16 invention, or prior art, which Google contends constitutes relevant prior art against  
17 the '361 patent.  
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19 13. All documents relating to any search or investigation conducted by or  
20 on behalf of Google for prior art relevant to the claimed subject matter of the '361  
21 patent and all prior art patents, publications, documents, and things discovered,  
22 collected, or found during or as a result of any such search or investigation.  
23

24 14. All documents relating to any discussion or communication, whether  
25 written or oral, concerning the enforceability or unenforceability of the '361 patent  
26 including, without limitation, recorded notes, minutes, or memoranda of any meeting  
27 concerning the enforceability or unenforceability of the '361 patent.  
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1 15. All documents relating to any communication between Google, or  
2 anyone acting on its behalf, and any customer, potential customer, distribution  
3 partner, field representative, supplier, manufacturer, or any other third party about  
4 the patentability, validity, enforceability, scope, or infringement of any claim of the  
5 '361 patent.

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7 16. All documents relating to the conception, design, development,  
8 reduction to practice, testing, or operation of Google's Sponsored Search System,  
9 including, without limitation, any engineering, design, or laboratory notebooks,  
10 drawings, block diagrams, functional specifications, design reviews, schematics,  
11 flow charts, minutes of design reviews, declarations, publications, notes,  
12 memoranda, correspondence, invention disclosure forms, customer specifications,  
13 source code, customer requests, or prototypes of any invention, Beta versions, or  
14 components of Google's Sponsored Search System.

15  
16 17. A copy or sample of each executable version of Google's Sponsored  
17 Search System made, used, or sold by or on behalf of Google.

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19 18. All documents related to each executable version of Google's  
20 Sponsored Search System made, used, or sold by Google, including source code,  
21 functional specifications, network architectures, descriptions of co-location facilities,  
22 flowcharts, system descriptions, presentation materials (e.g., PowerPoint  
23 presentations), and other such documents.

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25 19. All documents and things sufficient to show the structure or architecture  
26 of the computer system or software that operates, supports, or maintains Google's  
27 Sponsored Search System, including block diagrams, data structure diagrams,  
28 system architecture diagrams, and database layouts.



1 20. All documents and things sufficient to show the performance,  
2 specifications, and functional characteristics and capabilities of Google's Sponsored  
3 Search System.

4  
5 21. All documents relating to agreements, licenses, permissions, term  
6 sheets, memoranda of understanding, and letters of intent related to third-party  
7 developed technology used by Google as part of Google's Sponsored Search  
8 System.

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10 22. Documents sufficient to identify the names and titles of all persons  
11 having responsibility for or that are or were involved with the design, development,  
12 testing, and operation of Google's Sponsored Search System.

13  
14 23. Documents sufficient to establish the date of first introduction by  
15 Google of each Google Sponsored Search System in the United States.

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17 24. All documents relating to patents and patent applications, whether or  
18 not such patent application was filed, issued, or abandoned, that claim or relate to  
19 Google's Sponsored Search System.

20  
21 25. All invention disclosures submitted to Google by its employees, or any  
22 other person, relating to Google's Sponsored Search System.

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24 26. All documents relating to any trade research, market research,  
25 consumer research, or other research conducted by or on behalf of Google in  
26 connection with its decision to design, develop, market, or operate Google's  
27 Sponsored Search System.

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1 27. All documents relating to any need, or to any perceived need, in the  
2 marketplace for Google's Sponsored Search System.

3  
4 28. All documents relating to Google's knowledge or awareness of  
5 Overture's design, development, or operation of Overture's Sponsored Search  
6 System.

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8 29. All documents relating to any comparison of Google's Sponsored  
9 Search System and any other Sponsored Search System, including Overture's  
10 Sponsored Search System.

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12 30. All documents relating to the organizational structure of Google or that  
13 identify any persons ever having managerial responsibility or an ownership interest  
14 in Google.

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16 31. All annual reports for Google.

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18 32. All documents relating to advertising plans, business plans, estimates,  
19 revenue forecasts, web traffic reports, marketing plans or efforts, promotional  
20 programs, or strategies on the part of Google concerning Google's Sponsored  
21 Search System.

22  
23 33. Copies of all advertising and promotional materials for Google's  
24 Sponsored Search System.

25  
26 34. All documents relating to any representation or submission made by  
27 Google to another about Google's Sponsored Search System, including, but not  
28 limited to, advertisements, promotional materials, data sheets, brochures, reports,

1 catalogues, call reports by inside or field sales people, internal or external  
2 communications, letters, memoranda, notes, electronic mail transmissions, and  
3 submissions to any local, state, federal, or foreign Governmental entity.  
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5 35. All documents relating to any comments received by Google from  
6 another regarding Google's Sponsored Search System, including, but not limited to,  
7 complaints, praise, or suggestions regarding Google's Sponsored Search System.  
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9 36. All documents relating to the total revenue that Google has earned,  
10 directly or indirectly, from the sale or advertisement of products or services through  
11 or in conjunction with Google's Sponsored Search System.  
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13 37. All documents relating to the profits earned by Google from the sale or  
14 advertisement of products or services through or in conjunction with Google's  
15 Sponsored Search System.  
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17 38. All income statements relating to Google's Sponsored Search System.  
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19 39. All balance sheets relating to Google's Sponsored Search System.  
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21 40. All profit and loss statements relating to Google's Sponsored Search  
22 System.  
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24 41. All audited and un-audited financial reports relating to Google's  
25 Sponsored Search System.  
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27 42. All documents that identify any fees or costs incurred by Google in the  
28 design, development, and operation of Google's Sponsored Search System.

1 43. Documents sufficient to identify the amount and nature of all  
2 investments made by Google in facilities and equipment to design, develop, and  
3 operate Google's Sponsored Search System.

4  
5 44. Documents sufficient to establish the cost to Google of advertising,  
6 marketing, and providing the products or services that it offers through or in  
7 conjunction with Google's Sponsored Search System.

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9 45. Documents that identify and explain Google's accounting books and  
10 records as they relate to Google's Sponsored Search System.

11  
12 46. All documents relating to any licenses, agreements, partner  
13 agreements, or letters of intent entered into by Google relating to Google's  
14 Sponsored Search System, including, but not limited to, any licenses, agreements,  
15 partner agreements, affiliate agreements, or letters of intent.

16  
17 47. All documents relating to any indemnification, promise of any  
18 indemnification, or hold harmless agreement given or received by Google with  
19 respect to the '361 patent or any of the claimed subject matter thereof.

20  
21 48. All documents relating to any indemnification, promise of any  
22 indemnification, or hold harmless agreement given or received by Google with  
23 respect to Google's Sponsored Search System.

24  
25 49. All documents relating to any agreements or arrangements under  
26 which Google licensed, attempted to license, obtained a license, or attempted to  
27 obtain a license and that relate to Google's Sponsored Search System, including all  
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1 documents relating to any negotiations leading to any such agreement or  
2 arrangement.

3

4 50. All documents relating to any agreements or arrangements under  
5 which Google licensed, attempted to license, obtained a license, or attempted to  
6 obtain a license, including all documents relating to any negotiations leading to any  
7 such agreement or arrangement.

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9 51. All documents relating to Google's patent licensing policies or  
10 practices.

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12 52. All documents relating to any patent license(s) that Google contends  
13 are relevant to the issues of damages or a reasonable royalty in this case.

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15 53. All documents relating to or upon which Google will rely in support of  
16 any amount or rate that Google considers to be a reasonable royalty for their use or  
17 operation of Google's Sponsored Search System, as it relates to the '361 patent.

18

19 54. All documents relating to the nature, size, and scope of the market for,  
20 the availability of, and the demand for Sponsored Search Systems in general or  
21 Google's Sponsored Search System in particular.

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23 55. All documents relating to Google's market share as a percentage of  
24 total sales in the Sponsored Search Systems industry, whether expressed in units or  
25 dollars.

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1 56. All documents relating to Sponsored Search System products or  
2 services that have been marketed or sold in competition with Google's Sponsored  
3 Search System, including any competitive analyses of such products or services.  
4

5 57. All documents relating to each product, system, or service that Google  
6 contends is an acceptable non-infringing alternative to the apparatus, systems, or  
7 methods claimed in the '361 patent.  
8

9 58. All documents relating to any disputes, including, without limitation,  
10 cease and desist matters, litigation, arbitration, or administrative procedures in which  
11 Google was or is involved and that relate to Google's Sponsored Search System.  
12

13 59. All documents relating to any consideration, negotiation,  
14 recommendation, or proposal to license, buy, acquire, or otherwise obtain rights  
15 under the '361 patent.  
16

17 60. All documents relating to any money or monetary funds that have ever  
18 been set aside, put in escrow, or designated for settlement or payment of damages  
19 relating to Google's infringement or potential infringement of the '361 patent or any  
20 other patent.  
21

22 61. All documents relating to any comments, statements, or  
23 representations made by Google, or any other person, about the features,  
24 performance, advantages, or disadvantages of Google's Sponsored Search System  
25 or Overture's Sponsored Search System or any comparisons between Google's  
26 Sponsored Search System and Overture's Sponsored Search System.  
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1 62. All documents relating to any efforts made by Google, or anyone acting  
2 on its behalf, to solicit, convince, or persuade any of Overture's customers, affiliates,  
3 or advertisers to advertise on Google's website.  
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5 63. All documents relating to communications, letters, emails, comments,  
6 statements, or representations made by Google that were directed to any of  
7 Overture's customers or advertisers.  
8

9 64. All documents relating to any agreements or arrangements between  
10 Google and America Online, Inc. ("AOL") that relate to Google's Sponsored Search  
11 System, including all documents relating to any communications or negotiations  
12 leading to any such agreement or arrangement.  
13

14 65. All documents relating to any agreements or arrangements between  
15 Google and AT&T that relate to Google's Sponsored Search System, including all  
16 documents relating to any communications or negotiations leading to any such  
17 agreement or arrangement.  
18

19 66. All documents relating to any agreements or arrangements between  
20 Google and Ask Jeeves, Inc. that relate to Google's Sponsored Search System,  
21 including all documents relating to any communications or negotiations leading to  
22 any such agreement or arrangement.  
23

24 67. All documents relating to any request or suggestion made by Google to  
25 a third party that such third party might or should become involved in, participate in,  
26 or join in this case, or any conversation or discussion between Google and another  
27 regarding such other's actual or potential involvement, participation, or joinder in this  
28 case.



1 68. All documents relating to any document retention or destruction policy  
2 of Google.

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4 69. Any and all company telephone or personnel directories.

5  
6 70. All documents provided to, used by, or received by any consulting or  
7 testifying experts or fact witnesses that may be called by Google to testify at a  
8 hearing or at the trial of this case.

9  
10 71. All documents relating to any expert or potential expert engaged by  
11 Google or with whom Google has consulted concerning any matter related to this  
12 action.

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14 72. All documents that may be used as exhibits at any hearing in this case,  
15 including, but not limited to, a Markman or claim construction hearing and trial.

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Dated: August 5, 2002

By: Jason C White

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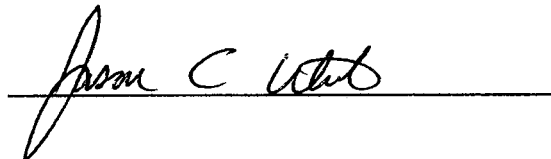
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies the foregoing OVERTURE SERVICES, INC.'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS (NOS. 1-72) TO GOOGLE INC., was served this 5th day of August, 2002, via facsimile, with confirmation copy via first-class mail, upon:

facsimile number (415) 397-7188

John W. Keker  
Jon. B. Streeter  
Daralyn J. Durie  
Michael S. Kwun  
Keker & Van Nest, LLP  
710 Sansome Street  
San Francisco, CA 94111-1704



A handwritten signature in cursive script, appearing to read "John W. Keker", is written over a horizontal line.