

# **EXHIBIT K**

1 LATHAM & WATKINS  
Anthony I. Fenwick (Bar No. 158667)  
2 Allon Stabinsky (Bar No. 197642)  
135 Commonwealth Drive  
3 Menlo Park, California 94025  
Telephone: (650) 328-4600  
4 Facsimile: (650) 463-2600

5 BRINKS HOFER GILSON & LIONE  
Jack C. Berenzweig (Admitted *Pro Hac Vice*)  
6 William H. Frankel (Admitted *Pro Hac Vice*)  
Jason C. White (Admitted *Pro Hac Vice*)  
7 Charles M. McMahon (Admitted *Pro Hac Vice*)  
NBC Tower - Suite 3600  
8 455 North Cityfront Plaza Drive  
Chicago, Illinois 60611  
9 Telephone: (312) 321-4200  
Facsimile: (312) 321-4299

10 Attorneys for Plaintiff  
11 OVERTURE SERVICES, INC.

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

15  
16 OVERTURE SERVICES, INC., a  
Delaware Corporation,  
17 Plaintiff,  
18 vs.  
19 GOOGLE INC., a California Corporation,  
20 Defendant.  
21

No. C02-01991 JSW (EDL)

**OVERTURE SERVICES, INC.'S FIFTH  
SET OF REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS AND  
THINGS (NOS. 92-115) TO  
GOOGLE INC.**

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

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

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

### 8 9 **DEFINITIONS AND INSTRUCTIONS**

10 The definitions and instructions set forth in Overture's First Set of Requests for  
11 Production of Documents are hereby incorporated by reference.

12 The term "Terra Lycos" means Terra Lycos, as well as any parents,  
13 subsidiaries, divisions, affiliates, predecessors, successors, and assigns and all of  
14 its current and former officers, directors, owners, shareholders, employees,  
15 contractors, agents, attorneys, and representatives.

### 16 17 **REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

18 92. All documents relating to any discussions, meetings, or communications of  
19 any sort between Google and Terra Lycos concerning Google's Sponsored Search  
20 System.

21  
22 93. All documents relating to any discussions, meetings, or communications of  
23 any sort between Google and Terra Lycos concerning Google providing sponsored  
24 search links to Terra Lycos.

1 94. All documents relating to any discussions, meetings, or communications of  
2 any sort between Google and Terra Lycos concerning Google providing sponsored links  
3 to Terra Lycos.

4  
5 95. All documents relating to any discussions, meetings, or communications of  
6 any sort between Google and Terra Lycos concerning Google providing paid links to  
7 Terra Lycos.

8  
9 96. All documents relating to any discussions, meetings, or communications of  
10 any sort between Google and Terra Lycos concerning Overture.

11  
12 97. All documents relating to any discussions, meetings, or communications of  
13 any sort between Google and Terra Lycos concerning any agreement or license entered  
14 into by Terra Lycos.

15  
16 98. All documents relating to any discussions, meetings, or communications of  
17 any sort between Google and Terra Lycos concerning any agreement or license entered  
18 into by Overture.

19  
20 99. All documents relating to any discussions, meetings, or communications of  
21 any sort between Google and Terra Lycos concerning the '361 patent.

22  
23 100. All documents relating to any discussions, meetings, or communications  
24 between Google and Terra Lycos concerning any litigation involving Overture.

25  
26 101. All documents relating to any discussions, meetings, or communications  
27 between Google and Terra Lycos concerning any intellectual property belonging to  
28 Overture.

1 102. All documents relating to any discussions, meetings, or communications  
2 between Google and Terra Lycos concerning infringement or noninfringement of any  
3 claim of the '361 patent.  
4

5 103. All documents relating to any discussions, meetings, or communications  
6 between Google and Terra Lycos concerning validity or invalidity of any claim of the  
7 '361 patent.  
8

9 104. All documents relating to any discussions, meetings, or communications  
10 between Google and Terra Lycos concerning enforceability or unenforceability of any  
11 claim of the '361 patent.  
12

13 105. All documents relating to any discussions, meetings, or communications  
14 between Google and Terra Lycos concerning the interpretation or scope of any of claim  
15 of the '361 patent.  
16

17 106. All documents relating to any discussions, meetings, or communications  
18 between Google and Terra Lycos concerning any oral or written opinion of legal counsel  
19 with respect to:

- 20 (a) infringement or noninfringement of any claim of the '361 patent;
- 21 (b) validity or invalidity of any claim of the '361 patent;
- 22 (c) enforceability or unenforceability of any claim of the '361 patent; or
- 23 (d) interpretation or scope of any of claim of the '361 patent.  
24

25 107. All documents relating to any licenses, agreements, partner agreements,  
26 or letters of intent entered into by Google and Terra Lycos relating to Google's  
27 Sponsored Search System, including, but not limited to, any licenses, agreements,  
28 partner agreements, affiliate agreements, or letters of intent.

1 108. All documents relating to any licenses, agreements, partner agreements,  
2 or letters of intent entered into by Google and Terra Lycos relating to sponsored search  
3 links, including, but not limited to, any licenses, agreements, partner agreements,  
4 affiliate agreements, or letters of intent.

5  
6 109. All documents relating to any licenses, agreements, partner agreements,  
7 or letters of intent entered into by Google and Terra Lycos relating to sponsored links,  
8 including, but not limited to, any licenses, agreements, partner agreements, affiliate  
9 agreements, or letters of intent.

10  
11 110. All documents relating to any licenses, agreements, partner agreements,  
12 or letters of intent entered into by Google and Terra Lycos relating to paid links,  
13 including, but not limited to, any licenses, agreements, partner agreements, affiliate  
14 agreements, or letters of intent.

15  
16 111. All documents relating to any indemnification, promise of any  
17 indemnification, or hold harmless agreement given by Google to Terra Lycos.

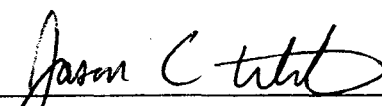
18  
19 112. All documents relating to any indemnification, promise of any  
20 indemnification, or hold harmless agreement given by Google to Terra Lycos with  
21 respect to the '361 patent or any of the claimed subject matter thereof.

22  
23 113. All documents relating to any agreements entered into or proposed  
24 between Google and Terra Lycos concerning any intellectual property belonging to  
25 Overture.

26  
27 114. All documents relating to any agreements entered into or proposed  
28 between Google and Terra Lycos concerning any litigation involving Overture.

1 115. All documents relating to any negotiations concerning any agreements or  
2 arrangements involving Google and Terra Lycos.

3  
4 Dated: December 5, 2003

By:   
Jack C. Berenzweig  
William H. Frankel  
Jason C. White  
Charles M. McMahon  
BRINKS HOFER GILSON & LIONE  
NBC Tower - Suite 3600  
455 North Cityfront Plaza Drive  
Chicago, Illinois 60611  
Telephone: (312) 321-4200  
Facsimile: (312) 321-4299

Anthony I. Fenwick  
Allon Stabinsky  
LATHAM & WATKINS  
135 Commonwealth Drive  
Menlo Park, California 94025  
Telephone: (650) 328-4600  
Facsimile: (650) 463-2600

Attorneys for Plaintiff  
OVERTURE SERVICES, INC.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
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

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies the foregoing OVERTURE SERVICES, INC.'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS (NOS. 92-115) TO GOOGLE INC., was served this 5th day of December, 2003, via facsimile, with confirmation copy via first-class mail, upon:

facsimile number (415) 397-7188

Michael S. Kwun  
Keker & Van Nest, LLP  
710 Sansome Street  
San Francisco, CA 94111-1704

