

# **EXHIBIT L**



January 8, 2004

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*Via Facsimile and First Class Mail*

05392 0150

Daralyn J. Durie, Esq.  
Keker & Van Nest, L.L.P.  
710 Sansome Street  
San Francisco, CA 94111-1704

**Re: Overture Services, Inc. v. Google, Inc.**

Dear Ms. Durie:

In reviewing the files in this case, we have noted a number of outstanding discovery issues. I am writing to meet and confer about four issues in particular.

1. Email Document Production: By letter dated Oct. 9, 2003 from Charles McMahon to Michael Kwun, Overture objected to Google's Search Queries for Google's Requests for Production (served Oct. 1, 2003) on a number of grounds, including overbreadth, undue burden, and irrelevance. Pursuant to the Supplemental Stipulated Protective Order Re Production of Email, we are willing to meet and confer with you regarding your queries, but if we do not hear from you by January 14, we will be forced to proceed with our own queries so as not to unreasonably delay the review and production of email documents in this case.

In addition, we ask that you let us know the date by which Google will produce email documents relevant to Overture's document requests. As Overture allowed Google to select its own reasonable queries based on Overture's document requests several months ago, we expect that Google's review is largely complete.

2. Damages Discovery: We understand that the parties informally agreed to phase discovery and discussed postponing damages discovery until after the *Markman* hearing. Now that the hearing has been rescheduled for late March, however, we believe that it is appropriate to begin damages discovery. Accordingly, we request that Google respond to Overture's pending document requests and interrogatories relating to damages by February 6. These include, but are not limited to, the requests in Overture's Fifth Set of Requests as to which Google yesterday responded that it would produce responsive documents "in the damages phase of discovery."

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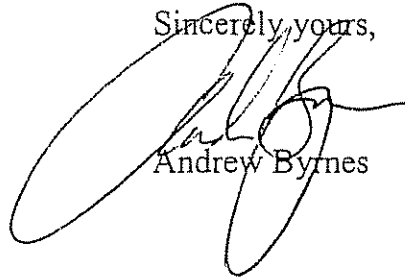
Daralyn Durie, Esq.  
January 8, 2004  
Page 2

3. Supplementation of Discovery: Pursuant to Federal Rule of Civil Procedure 26(e), we request that Google supplement, as appropriate, its responses to all of Overture's pending document requests and interrogatories by February 6.

4. Privilege Log: As noted in Charles McMahon's letter to Michael Kwun dated October 9, 2003, Google appears to have improperly withheld documents based on the work product privilege. We ask that by February 6, Google either produce the documents or provide an updated privilege log that makes clear the grounds for withholding the documents.

I suggest that we schedule a call no later than next Tuesday, January 13, to discuss these issues. Please call me at your earliest convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Andrew Byrnes", is written over the typed name. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Andrew Byrnes

cc: Jason C. White, Esq.

# HellerEhrman

ATTORNEYS

## Facsimile Transmittal

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**Telephone:** 415.391.5400 **Fax:** 415.397.7188

**To:** Jason C. White, Brinks Hofer Gilson & Lione  
**Telephone:** 312.321.4225 **Fax:** 312.321.422<sup>9</sup>

**From:** Andrew C. Byrnes  
**Telephone:** 650.324.7021  
**Direct Fax:** 650.324.6078

**No. of Pages:** 3 (including cover)

**Date:** January 8, 2004

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### Message:

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