

EXHIBIT P

HellerEhrman

ATTORNEYS

January 23, 2004

Via Facsimile & U.S. Mail

Andrew C. Byrnes
AByrnes@hewm.com
Direct (650) 324-7021
Main (650) 324-7000
Fax (650) 324-0638

05392.0150

Christine P. Sun
Keker & Van Nest LLP
710 Sansome Street
San Francisco, CA 94111-1704

Re: Overture v. Google: Discovery Issues

Dear Christine:

On January 7, Google served its Response to Overture's Fifth Set of Document Requests, which relate to Google's relationship and interactions with Terra Lycos.

Google stated that it would produce non-privileged documents responsive to Requests Nos. 92-95 (pre-filing), 99, 102-106, 107-110 (pre-filing), and 112 that have not already been produced. Google has not produced any documents since serving its response. Please produce any responsive documents immediately or confirm in writing that all responsive documents have been produced.

Google objected to Requests Nos. 96-98, 100, 101, 111, and 113-115 on a number of grounds and concluded that "[i]f Overture serves a narrowed request that includes an appropriate subject matter limitation, Google will consider that request in due course." Federal Rule of Civil Procedure 34(b) requires that Google produce documents to which it proffers no objection. Overture should not have to serve additional requests to obtain documents that Google acknowledges should be produced. Please identify what Google believes is the "appropriate subject matter," and produce immediately any non-privileged responsive documents relating to that subject matter. Overture reserves its right to seek the Court's assistance to compel Google to produce all documents responsive to these requests.

With respect to Requests Nos. 92-95 (post-filing), 99, 107-110 (post-filing), and 112, Google objected that at least some if not all responsive documents relate to damages and therefore "will be produced in the damages phase of discovery." I have not yet received a response to Overture's proposal of January 21 to agree to a date certain after the claim construction hearing on which the parties would exchange damages documents. If I do not receive a response by Monday, Overture will be forced to seek the Court's assistance in setting such a date, *i.e.*, April 1, 2004. Once a date has been set, whether by the parties'

Heller Ehrman White & McAuliffe LLP 275 Middlefield Road Menlo Park, CA 94025-3506 www.hewm.com

San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage New York Washington, D.C. Madison, WI
Hong Kong Singapore *Affiliated Offices:* Milan Paris Rome

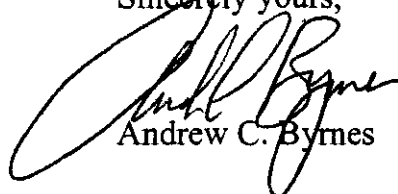
HellerEhrman
ATTORNEYS

Christine P. Sun
January 12, 2004
Page 2

agreement or by the Court, Overture expects that documents responsive to these requests will be included in Google's production.

Please respond at your earliest convenience.

Sincerely yours,



Andrew C. Byrnes

cc: Jason C. White, Esq. (by fax)

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4081
CONNECTION TEL 0#05392#0150#13123214299
CONNECTION ID
ST. TIME 01/23 16:20
USAGE T 01'07
PGS. SENT 3
RESULT OK

HellerEhrman

ATTORNEYS

Facsimile Transmittal

275 Middlefield Road
Menlo Park, CA 94025-3506
Main (650) 324-7000
Fax (650) 324-0638

To: Christine P. Sun; Kecker & Van Nest
Telephone: 415.391.5400 **Fax:** 415.397.7188
To: Jason C. White; Brinks Hofer Gilson & Lione
Telephone: 312.321.4225 **Fax:** 312.321.4299
From: Andrew C. Byrnes
Telephone: 650.324.7021
Direct Fax: 650.324.6078
No. of Pages: 3 (including cover)
Date: January 22, 2004 05392.0150 (60)

Message:

** MULTI TX/RX REPORT **

TX/RX NO 4080
PGS 3
TX/RX INCOMPLETE (2) 13123214299
TRANSACTION OK (1) *0060#05392#0150#14153977188#P
ERROR INFORMATION -----

HellerEhrman

ATTORNEYS

Facsimile Transmittal

275 Middlefield Road
Menlo Park, CA 94025-3506
Main (650) 324-7000
Fax (650) 324-0638

To: Christine P. Sun; Kecker & Van Nest
Telephone: 415.391.5400 Fax: 415.397.7188

To: Jason C. White; Brinks Hofer Gilson & Lione
Telephone: 312.321.4225 Fax: 312.321.4299

From: Andrew C. Bymes
Telephone: 650.324.7021
Direct Fax: 650.324.6078

No. of Pages: 3 (including cover)
Date: January 22, 2004

05392.0150 (60)

Message: