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 GOOGLE INC.

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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OVERTURE SERVICES, INC.,
 Plaintiff and Counterdefendant,
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 14 v.
 15 GOOGLE INC.,
 16 Defendant and Counterclaimant.

Case No. C 02-01991 JSW (EDL)

**DECLARATION OF CHRISTINE P. SUN
 IN SUPPORT OF GOOGLE'S
 MISCELLANEOUS ADMINISTRATIVE
 REQUEST RE: OVERTURE'S REVISED
 CLAIM CONSTRUCTIONS**

[Local Civil Rule 7-10]

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1 I, CHRISTINE P. SUN, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate in the law firm of Kecker & Van Nest, LLP, counsel for Defendant and Counterclaimant
4 Google Inc (“Google”). This declaration is in support of Google’s Miscellaneous Administrative
5 Request Re: Overture’s Revised Claim Constructions. Except as otherwise noted, I have
6 personal knowledge of the facts stated in this Declaration, and if called as a witness I could and
7 would competently testify to them under oath.

8 2. On January 20, 2004, Plaintiff Overture Services, Inc. (“Overture”) informed Google
9 by letter that it intended to revise its proposed constructions of the disputed terms, “search
10 listing” and “search result list.” Attached hereto as Exhibit A is a true and correct copy of the
11 January 20, 2004 letter from Overture’s counsel, Andrew Byrnes, to Daralyn Durie of my office.
12 This was the first time that Overture indicated that it desired to revise any of its proposed claim
13 constructions as submitted in the Joint Claim Construction Statement filed on June 24, 2003.

14 3. On the morning of January 21, 2004, I sent a letter to counsel for Overture expressing
15 Google’s concerns about the timeliness of Overture’s revisions. In the letter, I requested that
16 Overture stipulate to the filing of the sur-reply as proposed in Google’s Miscellaneous
17 Administrative Request. Attached hereto as Exhibit B is a true and correct copy of my
18 January 21, 2004 letter to Andrew Byrnes.

19 4. Later that afternoon, I spoke with Andrew Byrnes concerning Google’s request that
20 Overture stipulate to the filing of a sur-reply. Mr. Byrnes explained that Overture was still
21 considering Google’s request.

22 5. On January 22, 2004, Mr. Byrnes informed me by letter that Overture would not
23 stipulate to Google’s filing of a sur-reply. Attached hereto as Exhibit C is a true and correct
24 copy of Andrew Byrnes’ January 22, 2004 letter to me.

25 I declare under penalty of perjury that the foregoing is true and correct and that this
26 declaration was executed at San Francisco, California, on January 30, 2004.

27 /s/ Christine P. Sun
28 CHRISTINE P. SUN