

EXHIBIT B

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January 21, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

Andrew C. Byrnes, Esq.
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-1706

Re: *Overture v. Google*

Dear Mr. Byrnes:

I write in response to your letter dated January 20, 2004 to Daralyn Durie of my office.

Overture's attempt to revise its proposed constructions of "search listing" and "search list result" at this late stage is wholly improper. Overture has had many months to consider Google's fully briefed arguments about the constructions proposed by Overture in the Joint Claim Construction Statement. For Overture to only now, "upon further thought," revise its claim constructions in light of Google's arguments is outrageous.

In any event, as you are aware, Google's responsive claim construction brief is due next week. Unfortunately, unlike Overture, Google will not have had the benefit of many months to consider Overture's new constructions. Nor will Google have had the benefit of considering and responding to Overture's fully briefed arguments on its new constructions. Accordingly, if Overture insists on revising its claim constructions for "search listing" and "search list result," Google insists that Overture stipulate to Google's filing of a sur-reply of no more than 5 pages on those terms. The sur-reply would be due one week after Overture's reply brief.

Please let me know immediately if Overture will stipulate to the above briefing schedule. If so, please prepare the stipulation for my signature. If not, Google intends to move to strike Overture's improper, last-minute revisions to its claim constructions.

Andrew C. Byrnes, Esq.
January 21, 2004
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If you have further questions or concerns, please do not hesitate to contact me at (415) 391-5400.

Very truly yours,

A handwritten signature in black ink, appearing to read 'CPS', with a long, sweeping horizontal stroke extending to the right.

CHRISTINE P. SUN

CPS/lhl