

1 KEKER & VAN NEST, LLP
 JOHN W. KEKER - #49092
 2 DARALYN J. DURIE - #169825
 CHRISTINE P. SUN - #218701
 3 710 Sansome Street
 San Francisco, CA 94111-1704
 4 Telephone: (415) 391-5400
 Facsimile: (415) 397-7188

5 Attorneys for Defendant and Counterclaimant
 6 GOOGLE INC.

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN FRANCISCO DIVISION

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

Case No. C 02-01991 JSW (EDL)

**STIPULATION RE: SUPPLEMENTAL
 CLAIM CONSTRUCTION BRIEFING**

[Civil Local Rule 7-11]

17
18
19
20
21
22
23
24
25
26
27
28

1 Pursuant to Civil Local Rules 7-4(b) and 7-11, the parties stipulate to the following in
2 connection with Defendant Google Inc.'s ("Google") Miscellaneous Administrative Request,
3 filed concurrently herewith:

4 (1) Google may file a supplemental claim construction brief of no more than 2 pages
5 limited to bringing to the Court's attention additional evidence (*i.e.*, deposition testimony in the
6 *Overture v. FindWhat* case) related to the disputed terms "database" and "search results list."

7 (2) No later than 7 days after the date of Google's filing, Plaintiff Overture Services,
8 Inc. ("Overture") may file a brief of no more than 2 pages limited to responding to the arguments
9 and evidence set forth in Google's supplemental claim construction brief.

10 (3) Overture's stipulation to Google's filing of its supplemental claim construction
11 brief does not constitute an admission that deposition testimony is proper evidence for the Court
12 to consider with respect to the meaning of any of the disputed claim terms in this case.

13 The parties hereby respectfully request that the Court enter the stipulation as its Order.

14 Dated: May 5, 2004

KEKER & VAN NEST, LLP

15

16

17 By: /s/ Christine P. Sun
CHRISTINE P. SUN
Attorneys for Defendant and
18 Counterclaimant GOOGLE INC.

19 Dated: May 5, 2004

HELLER EHRMAN WHITE &
MCAULIFFE LLP

20

21

22 By: /s/ Andrew C. Byrnes
ANDREW C. BYRNES
Attorneys for Plaintiff and Counterdefendant
23 OVERTURE SERVICES, INC.

24 I attest that concurrence in the filing of the above stipulation has been obtained from
25 Andrew C. Byrnes.
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

Dated: May 11, 2004

KEKER & VAN NEST, LLP

By: _____ /s/ Christine P. Sun
CHRISTINE P. SUN
Attorneys for Plaintiffs