

EXHIBIT B

HellerEhrman

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Facsimile Transmittal

Confidential and Privileged

To: Christine P. Sun, Kecker & Van Nest
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From: Andrew C. Bymes
Telephone: 650.324.7021
Direct Fax: 650.324.6078

No. of Pages: 3 (including cover)
Date: July 1, 2004

05392.0150 (1764)

Message:

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ATTORNEYS

July 1, 2004

Via Facsimile

Andrew C. Byrnes
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05392.0150

Christine P. Sun, Esq.
Keker & Van Nest LLP
710 Sansome Street
San Francisco, California 94111

Re: Overture v. Google

Dear Christine:

I am writing, in part, regarding your June 21 request that Overture agree to de-designate certain exhibits to Google's then-draft motion to compel documents and testimony regarding the '361 patent prosecution. As you will recall, I telephoned you on June 24 to inform you that I had not yet been able to discuss the matter with my client, but would do so and was confident that I would be able to respond to your request the following (i.e., this) week. I also expressed surprise that you were moving forward with preparations to file the motion, given that Google had stated that it would not file the motion unless and until the mediation had concluded, and the parties' discussions were still underway. You said nothing to suggest that Overture needed to respond more quickly than I had promised regarding your proposed de-designations.

I regret that, notwithstanding our conversation, Google felt compelled to burden the Court by filing its motion to compel under seal on Tuesday. Having now consulted with my client, well within the timeframe we had discussed, Overture will agree to de-designate the document and deposition testimony identified in your letter of June 21.

Further to your motion, as I stated on our telephone call on June 29, Google did not adequately meet and confer with Overture before filing its motion. The last substantive discussion between the parties on these issues took place last Fall. In addition, given that the parties were engaged in intense settlement discussions, Overture reasonably refrained from addressing the issues raised in Google's draft motion. Particularly under the circumstances, Google cannot rely on Overture's silence regarding its draft motion as signifying a lack of desire to continue the meet and confer discussion. Please contact my colleague Mike Wickey at (650) 324-7158 at your earliest convenience so that we can discuss further these issues.

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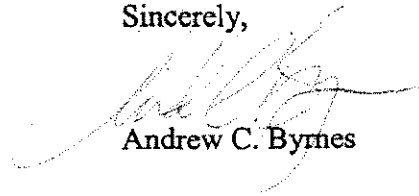
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Christine P. Sun, Esq.
July 1, 2004
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Finally, with respect to your letter of June 25 regarding the availability of Jeffrey Brewer and Dave Fleming, Esq. for deposition, Mr. Brewer is unavailable on either July 8 or 9. We will advise you of alternate dates shortly. Further, any deposition of Mr. Fleming, whom we will be representing, should occur after the resolution of the waiver issues raised on Google's motion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew C. Byrnes", is written over the typed name.

Andrew C. Byrnes

07/01/2004 12:07 FAX 650 324 0638

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