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GOOGLE INC.  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

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

Case No. C 02-01991 JSW (EDL)

**DECLARATION OF RAVIND S.  
GREWAL IN SUPPORT OF REPLY RE  
MOTION TO COMPEL PRODUCTION  
OF DOCUMENTS AND TESTIMONY RE  
PROSECUTION OF '361 PATENT**

Date: August 24, 2004  
Time: 9:00 a.m.  
Courtroom: E, 15th Floor  
Judge: Hon. Elizabeth D. Laporte

1 I, RAVIND S. GREWAL, declare as follows:

2 1. I am an attorney licensed to practice in the State of California and am an associate  
3 at the law firm of Kecker & Van Nest, LLP, counsel for Defendant and Counterclaimant Google  
4 Inc. (“Google”) in this matter.

5 2. Google did not filed its motion to compel for a number of months after the parties  
6 concluded their meet-and-confer in November 2003 because its attentions were directed to claim  
7 construction briefing and preparation for the claim construction hearing. Further, Google wanted  
8 to depose James Naughton, one of the attorneys who prosecuted the ‘361 patent application,  
9 prior to filing its motion. At no point from November 2003 until it filed its motion to compel did  
10 Google represent to Overture that it no longer intended to file the motion.

11 3. Attached hereto as Exhibit A is a true and correct copy of the standard JAMS  
12 Confidentiality Agreement, as well as an email from Andrew Byrnes, an attorney representing  
13 Overture to Christine Sun, one of Google’s attorneys, requesting that a Google attorney execute  
14 the agreement prior to the parties’ mediation. Counsel for both parties did execute the standard  
15 agreement before commencing the mediation.

16 4. Attached hereto as Exhibit B is a true and correct copy of an excerpt from the July  
17 18, 2003 deposition of Elaine Lee.

18 5. Attached hereto as Exhibit C are true and correct copies of excerpts from the  
19 July 23, 2003 deposition of John G. Rauch.

20 6. Attached hereto as Exhibit D is a true and correct copy of an excerpt from the  
21 April 15, 2004 deposition of James Naughton.

22 7. Attached hereto as Exhibit E are true and correct copies of excerpts from the  
23 May 11, 2004 deposition of Steven Skovran in the *Overture v. FindWhat.com* litigation.

24 8. Attached hereto as Exhibit F is a true and correct copy of Exhibit 158 from Mr.  
25 Skovran’s deposition. Mr. Skovran described this document as a copy of a log maintained by  
26 GoTo.com prior to the critical date.

27 9. Attached hereto as Exhibit G is a true and correct copy of an excerpt from the  
28 April 27, 2004 deposition of Tod Kurt.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct. Executed this 30th day of July, 2004, at San Francisco, California.

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4 /s/ Ravind S. Grewal  
RAVIND S. GREWAL  
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