

# Exhibit D

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IN THE UNITED STATES DISTRICT COURT

2

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

3

4 OVERTURE SERVICES, INC., a )  
 Delaware Corporation, )

5 )

Plaintiff, )

6 ) Case No. C 02-01991

-vs- ) **CERTIFIED COPY**

7 )

8 GOOGLE, INC., a California )  
 Corporation, )

9 )

Defendant. )

10

11 Videotaped deposition of JAMES P. NAUGHTON,  
 12 ESQ., taken before MARGARET A. BACHNER, CSR, RMR, CRR,  
 13 and Notary Public, pursuant to the Federal Rules of Civil  
 14 Procedure for the United States District Courts  
 15 pertaining to the taking of depositions, at Suite 3600B,  
 16 NBC Tower, 455 North Cityfront Plaza Drive, Chicago,  
 17 Illinois, on the 15th day of April, A.D. 2004, at 8:38  
 18 a.m.

19

20 There were present at the taking of this  
 21 deposition the following counsel:

22

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JAMES P. NAUGHTON

1 THE VIDEOGRAPHER: Good morning. Here begins  
2 videotape number 1 in the deposition of James P. Naughton  
3 in the matter of Overture Services, Incorporated versus  
4 Google, Incorporated, in the United States District  
5 Court, Northern District of California, San Francisco  
6 Division, Case Number C 02-01991 JSW.

7 Today's date is April 15th, 2004. The time on  
8 the video monitor is 8:39 a.m. The video operator today  
9 is Tim Tupiak, contracted by LegaLink Video Solutions,  
10 San Francisco, California. This video deposition is  
11 taking place at 455 North Cityfront Plaza, Suite 3600,  
12 Chicago, Illinois.

13 Will counsel please identify themselves for  
14 the record and state whom you represent starting with the  
15 noticing party?

16 MS. DURIE: Daralyn Durie from Keker & Van Nest for  
17 Google.

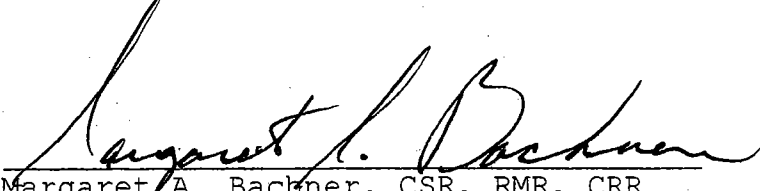
18 MS. THAYER: Patricia Thayer from Heller, Ehrman  
19 representing Overture Services and the witness.

20 MR. BERENZWEIG: Jack Berenzweig from Brinks, Hofer  
21 representing Overture Services and the witness.

22 THE VIDEOGRAPHER: The court reporter today is Margo  
23 Bachner of LegaLink, Chicago. Would the reporter swear  
24 in the witness, please?

1 The undersigned is not interested in the  
2 within case, nor of kin or counsel to any of the parties.

3 Witness my official signature and seal as  
4 Notary Public in and for DuPage County, Illinois, on this  
5 19<sup>th</sup> day of April, A.D. 2004.

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7  
8   
9 Margaret A. Bachner, CSR, RMR, CRR  
10 Illinois CSR No. 84-1481  
11 230 West Monroe Street  
12 Suite 1500  
13 Chicago, Illinois 60606  
14 Phone: (312) 263-3524



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