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18 Attorneys for Plaintiff  
 19 OVERTURE SERVICES, INC.

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22 SAN FRANCISCO DIVISION

23 OVERTURE SERVICES, INC., a  
 24 Delaware Corporation,  
 25 Plaintiff,  
 26 vs.  
 27 GOOGLE INC., a California  
 28 Corporation,  
 Defendants.

No. C02-01991 CRB

**OVERTURE SERVICES' DISCLOSURE  
 OF ASSERTED CLAIMS AND  
 PRELIMINARY INFRINGEMENT  
 CONTENTIONS**

Pursuant to Patent Local Rule 3-1, Plaintiff Overture Services, Inc. ("Overture") makes the following Disclosure of Asserted Claims and Preliminary Infringement Contentions against Defendant Google Inc. ("Google"). Overture reserves the right to supplement these preliminary infringement contentions as it learns additional

1 information about Google's presently accused AdWords Select search system and other  
2 infringing programs through discovery.

3  
4 **A. Claims Infringed By Google**

5 Upon present information and belief, Google infringes each of the following  
6 claims of U.S. Patent No. 6,269,361: claims 1-2, 4-5, 7-18 and 20-67.

7  
8 **B. Accused System and Method – Claim Chart and Method**

9 Overture maintains that Google infringes the system and method of the '361  
10 patent through its own use, and promotion through partner sites, of the AdWords Select  
11 ("AWS") search system and method. Attached as Exhibit A is a claim chart identifying  
12 where each asserted claim element is found in AWS. See, also,  
13 <https://adwords.google.com/select/overview.html> (+~compare.html +~terms.html  
14 +~tips.html +~faq/index.html +~guidelines.html +~main?cmd = Login), and Google  
15 partners' sites, (e.g., [www.earthlink.com](http://www.earthlink.com)).

16  
17 **C. Type of Infringement**

18 Each element of each asserted claim is literally present in the AWS search  
19 system and method. In the event that there is any ruling of the Court that the facts or  
20 law do not support the present allegations of literal infringement, Overture intends to  
21 pursue its infringement allegations under the doctrine of equivalents.

22  
23 **D. Priority Dates**


24 Each asserted claim in U.S. Patent No. 6,269,361 is entitled to a priority date of  
25 May 28, 1999, the filing date of application number 09/322,677.

1 **E. Overture System And Method That Practice The Invention**

2 Overture intends to rely on the assertion that its own DirecTraffic Center®  
3 account management system and method, and those of its past and present affiliates,  
4 practice the inventions of the asserted claims. See,  
5 <http://www.overture.com/d/USm/adcenter/index.jhtml> (and links therein).  
6  
7

8 Dated: September 16, 2002

BRINKS HOFER GILSON & LIONE

9  
10 By:   
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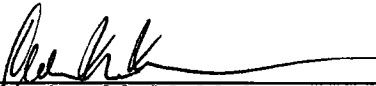
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Attorneys for Plaintiff  
OVERTURE SERVICES, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies the foregoing OVERTURE'S DISCLOSURES OF ASSERTED CLAIMS AND PRELIMINARY INFRINGEMENT CONTENTIONS PURSUANT TO PATENT LOCAL RULE 3-1 was served this 16th day of September, 2002, by facsimile upon:

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