

1 KEKER & VAN NEST, LLP
 JOHN W. KEKER - #49092
 2 JON B. STREETER - #101970
 DARALYN J. DURIE - #169825
 3 MICHAEL S. KWUN - #198945
 710 Sansome Street
 4 San Francisco, CA 94111-1704
 Telephone: (415) 391-5400
 5 Facsimile: (415) 397-7188

6 Attorneys for Defendant
 GOOGLE INC.

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

12 OVERTURE SERVICES, INC., a Delaware
 corporation,

13 Plaintiff,

14 v.

15 GOOGLE INC., a California corporation,

16 Defendant.

Case No. C 02-01991 CRB (EDL)

**[PROPOSED] ORDER GRANTING
 DEFENDANT GOOGLE INC.'S MOTION
 FOR AN ORDER EXTENDING
 GOOGLE'S TIME TO SERVE INITIAL
 INVALIDITY CONTENTIONS**

18
 19 Before the Court is defendant Google Inc.'s ("Google's") motion to compel plaintiff
 20 Overture Services, Inc. ("Overture") to supplement its Disclosure of Asserted Claims and
 21 Preliminary Infringement Contentions (hereinafter, "Preliminary Infringement Contentions") and
 22 accordingly to extend Google's time to serve its Preliminary Invalidity Contentions. Having
 23 considered all of the papers filed in support of and opposition to the motion, and good cause
 24 appearing, the Court GRANTS Google's motion.

25 Overture is ORDERED to serve forthwith a revised version of its Disclosure of Asserted
 26 Claims and Preliminary Infringement Contentions (hereinafter, "Preliminary Infringement
 27 Contentions") that fully complies with Patent L.R. 3-1. Overture's claim chart in its revised
 28 Preliminary Infringement Contentions must specifically point out what aspects of the accused

1 instrumentality satisfy each element of each asserted claim of the patent-in-suit. Conclusory
2 assertions that a given element is present in the accused instrumentality are not sufficient.

3 The Court FURTHER ORDERS that Google's deadline for serving its Preliminary
4 Invalidity Contentions is extended to forty-five days after the date on which Overture serves
5 revised Preliminary Infringement Contentions that fully comply with Patent L.R. 3-1.

6 As required by the Stipulated Order entered by Judge Breyer on October 21, 2002, the
7 parties are ORDERED to meet and confer about the case management schedule, and to file with
8 within ten court days of the date of this Order a joint case management statement addressing any
9 scheduling modifications that may be necessary in light of this Order.

10 IT IS SO ORDERED.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated:

HON. ELIZABETH D. LAPORTE
United States Magistrate Judge