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FILED

JAN X 6 2003

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

12 OVERTURE SERVICES, INC., a Delaware
corporation,

Plaintiff,

v.

15 GOOGLE INC., a California corporation,

Defendant.

Case No. C 02-01991 CRB (EDL)

**ORDER GRANTING DEFENDANT
GOOGLE INC.'S MOTION RE
INFRINGEMENT AND INVALIDITY
CONTENTIONS**

19 The motion by defendant Google Inc. ("Google") to compel plaintiff Overture Services,
20 Inc. ("Overture") to supplement its Disclosure of Asserted Claims and Preliminary Infringement
21 Contentions (hereinafter, "Preliminary Infringement Contentions"), and accordingly to extend
22 Google's time to serve its Preliminary Invalidity Contentions, came on for hearing on December
23 18, 2002, at 1:30 p.m., the Honorable Elizabeth D. Laporte presiding. Michael S. Kwun, Keker
24 & Van Nest, LLP, appeared on behalf of Google. Charles M. McMahon, Brinks Hofer Gilson &
25 Lione, appeared on behalf of Overture. Karl Sun, in-house counsel for Google, was also present.
26 Having considered all of the papers filed in support of and opposition to the motion, and the
27 arguments presented by counsel, and good cause appearing, the Court GRANTS Google's
28 motion (Docket No. 25), as set forth below.

1 The Court ORDERS Overture to serve, by January 14, 2003, a revised version of its
2 Preliminary Infringement Contentions as to all asserted claim limitations except those of claim
3 14 and those identified at lines 19 through 26 of page 3 of Overture's Further Opposition to
4 Google's Motion. Overture is FURTHER ORDERED to serve a revised version of its
5 Preliminary Infringement Contentions as to claim 14 by January 31, 2003. Overture is directed
6 to revise its Preliminary Infringement Contentions in a manner consistent with the Court's
7 statements from the bench at the December 18, 2002 hearing.

8 Because Overture cannot revise its Preliminary Infringement Contentions as to claim 14
9 until it has reviewed Google's source code, the parties are ORDERED to continue to meet and
10 confer about issues concerning the production of source code, and to submit a stipulation and
11 proposed order addressing such issues (hereinafter, the "Stipulated Source Code Protective
12 Order") on or before January 10, 2003. Subject to any appropriate objections, the parties have
13 agreed to produce source code responsive to previously served discovery requests (i.e. requests
14 served prior to the December 18, 2002 hearing on Google's motion) on or before January 17,
15 2003. To the extent that the Stipulated Source Code Protective Order has not been approved by
16 the Court prior to January 17, 2003, the parties have agreed to comply with the provisions in the
17 Stipulated Source Code Protective Order pending court action on the Stipulated Source Code
18 Protective Order.

19 The Court FURTHER ORDERS that Google's deadline for serving its Preliminary
20 Invalidity Contentions is extended to February 14, 2003.

21 As required by the Stipulated Order entered by Judge Breyer on October 21, 2002, the
22 parties are ORDERED to meet and confer about the case management schedule, and to file

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1 within ten court days of the date of this Order a joint case management statement addressing any
2 scheduling modifications that may be necessary in light of this Order.

3 IT IS SO ORDERED.

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6 Dated:

Jan 6, 2002


HON. ELIZABETH D. LAPORTE
United States Magistrate Judge