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 14 GOOGLE INC.

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

19 OVERTURE SERVICES, INC., a Delaware  
 20 corporation,

21 Plaintiff,

22 v.

23 GOOGLE INC., a California corporation,

24 Defendant.

Case No. C 02-01991 JSW ADR

**STIPULATED REQUEST FOR AN  
 ORDER CHANGING TIME;  
 DECLARATION OF MICHAEL S. KWUN  
 IN SUPPORT THEREOF**

25  
 26 **STIPULATED REQUEST FOR ORDER CHANGING TIME**

27 Plaintiff Overture Services, Inc. ("Overture") and defendant Google Inc. ("Google")  
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1 jointly request, pursuant to Civil L.R. 6-2, that the Court modify the case management schedule  
 2 applicable to this case, for the following reasons:

3 (1) Pursuant to the current Case Management Schedule and Patent L.R. 3-3 and 3-4,  
 4 Google served its Preliminary Invalidity Contentions on Overture on March 14, 2003.

5 (2) On March 21, 2003, Overture requested that Google supplement its Preliminary  
 6 Invalidity Contentions by no later than March 28, 2003, so that they comply with Patent Local  
 7 Rule 3-3.

8 (3) On March 26, 2003, Google stated that it would be willing to supplement its  
 9 Preliminary Invalidity Contentions as requested, so long as it was given thirty days to do so,  
 10 consistent with the thirty days Overture was given to supplement its Preliminary Infringement  
 11 Contentions after Magistrate Judge Laporte granted Google's motion regarding Overture's  
 12 Preliminary Infringement Contentions.

13 (4) On March 28, 2003, Overture offered to stipulate that Google could have until  
 14 April 25, 2003 to supplement its Preliminary Invalidity Contentions, so long as Google stipulated  
 15 to a similar extension of all related case management dates, which are dependent upon Google's  
 16 Preliminary Invalidity Contentions, subject to Court approval.

17 In order to resolve the parties' respective concerns regarding Google's Preliminary  
 18 Invalidity Contentions, the parties therefore request that the Court adopt the following changes to  
 19 the Court's February 7, 2003 Second Case Management Order, as amended by the Court's  
 20 March 7, 2003 Order Granting Stipulation, which extended the last day to complete private  
 21 mediation to July 31, 2003. Specifically, the parties request that the Court adopt the following  
 22 modifications to the Case Management Schedule:

Event	Old Date	New Date
Last Day for Google to Supplement Its Preliminary Invalidity Contentions		4/25/03
Last Day for Simultaneous Exchange of Proposed Terms and Claim Elements for Construction and/or Governed by 35 U.S.C. § 112 ¶ 6	3/31/03	5/12/03

Event	Old Date	New Date
Last Day for Simultaneous Exchange of Preliminary Claim Constructions and Extrinsic Evidence	4/21/03	6/2/03
Last Day for Parties to File Joint Claim Construction and Prehearing Statement	5/13/03	6/24/03
Last Day to Take Discovery Relating to Claim Construction	6/12/03	7/24/03
Case Management Conference	6/13/03, 3:00 p.m.	7/25/03, 3:00 p.m.
Last Day for Overture to File Opening Claim Construction Brief and Supporting Evidence	6/27/03	8/8/03
Last Day for Google to File Responsive Claim Construction Brief and Supporting Evidence	7/11/03	8/22/03
Last Day for Overture to File Reply Claim Construction Brief and Rebuttal Evidence	7/22/03	9/3/03
Last Day to Complete Mediation before a Private Mediator	7/31/03	9/22/03
Technology Tutorial for Court and Claim Construction Prehearing Conference	8/6/03, 8:30 a.m.	On or after 9/29/03
Claim Construction Hearing	8/7/03, 8:30 a.m.	On or after 9/29/03

The Declaration of Michael S. Kwun, below, provides the information required by Civil L.R. 6-2(a)(1)-(3), as well as the attestation required by Section X(B) of the General Order 45.

Dated: March 31, 2003

BRINKS HOFER GILSON & LIONE

By: /s/ Jason C. White  
 JASON C. WHITE  
 Attorneys for Plaintiff  
 OVERTURE SERVICES, INC.

1 Dated: March 31, 2003

KEKER & VAN NEST, LLP

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By: /s/ Michael S. Kwun  
MICHAEL S. KWUN  
Attorneys for Defendant  
GOOGLE INC.

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**DECLARATION OF MICHAEL S. KWUN IN SUPPORT OF STIPULATED REQUEST  
FOR ORDER CHANGING TIME**

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I, Michael S. Kwun, declare as follows:

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1. I am an associate at the law firm of Keker & Van Nest, LLP, counsel of record for Google in the above-captioned matter. I make this declaration in support of the parties' Stipulated Request for an Order Changing Time. I make the following declaration based upon my personal knowledge, and could and would testify thereto under oath if called upon to do so.

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2. The parties request the foregoing modifications in order to resolve the parties' respective concerns regarding Google's Preliminary Invalidity Contentions, as set forth in the above Stipulated Request for an Order Changing Time.

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3. The following previous time modifications have been made by stipulation or Court order:

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(a) Judge Breyer's October 8, 2002 Order Granting Google's Motion for an Extension of Time, which subsequently was vacated on October 17, 2002.

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(b) Judge Breyer's October 21, 2002 Order granting the parties' stipulated request to stay case management dates pending resolution by a Magistrate Judge of Google's motion regarding Overture's Preliminary Infringement Contentions.

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(c) Magistrate Judge Laporte's December 18, 2002 Minute Order and January 7, 2003 Order granting Google's motion regarding Overture's Preliminary Infringement Contentions.

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(d) The Court's January 9, 2003 Case Management Order.  
(e) The Court's February 7, 2003 Second Case Management Order.  
(f) The Court's March 7, 2003 Order Granting Stipulation, which extended

1 the last day to complete private mediation to July 31, 2003.

2 4. The modification requested by the parties in the above Stipulated Request for an  
3 Order Changing Time would reschedule the claim construction tutorial and hearing, and other  
4 associated dates.

5 5. Prior to filing the above Stipulated Request for an Extension of Time, I sent it to  
6 Jason C. White for his review, and he authorized me to file the Stipulated Request on his behalf.

7 I declare under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on this 31st day of March 2003 at San Francisco,  
9 California.

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/s/ Michael S. Kwun  
MICHAEL S. KWUN