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10 Attorneys for Plaintiff
 11 OVERTURE SERVICES, INC.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

16 OVERTURE SERVICES, INC., a
 Delaware Corporation,
 17 Plaintiff,
 18 vs.
 19 GOOGLE INC., a California Corporation,
 20 Defendant.

No. C02-01991 JSW (EDL)

**OVERTURE'S MOTION TO SHORTEN
 THE BRIEFING AND HEARING
 SCHEDULE PURSUANT TO CIVIL
 LOCAL RULE 6-3**

DISCOVERY MATTER

Date: N/A (Civil L.R. 6-3)
 Time: N/A
 Courtroom: E, 15th Floor
 Judge: Hon. Elizabeth D. Laporte

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2 **MOTION**

3 Plaintiff Overture Services, Inc. ("Overture") hereby moves, pursuant to Civil
4 Local Rules 6-1 and 6-3, and paragraph 3 of the Honorable Elizabeth D. Laporte's
5 Standing Order, for an order shortening the briefing and hearing schedule for Overture's
6 Motion for a Protective Order Preventing Excessive Third Party Discovery, filed
7 concurrently herewith. Counsel for Google has informed counsel for Overture that
8 Google does not oppose this Motion to Shorten the Briefing and Hearing Schedule.

9 Pursuant to Civil L.R. 6-3(d), there will be no hearing on Overture's motion unless
10 the Court schedules a hearing. Paragraphs 2-10 of the concurrently filed Declaration of
11 Charles M. McMahon ("McMahon Decl.") set forth the information required by Civil L.R.
12 6-3(a).

13 Google has expressed its intent to serve approximately three hundred (300)
14 subpoenas on third parties in connection with this case. Google already has served
15 seventy-one (71) of these subpoenas, and plans to serve the remaining 200+
16 subpoenas in the near future. Such a large number of third party subpoenas is
17 unreasonable and excessive, and Overture filed its Motion for a Protective Order to stop
18 Google's abuse of third party discovery.

19 Overture seeks to shorten the briefing and hearing schedule for its Motion for a
20 Protective Order because under the normal schedule, the motion is likely to become at
21 least partly moot before it is heard by the Court. Under the normal discovery motion
22 briefing schedule, the Court would not hear Overture's Motion for a Protective Order
23 until at least 35 days from now. In that time, Overture expects that Google will serve
24 another round or two of subpoenas on third parties, potentially rendering Overture's
25 Motion for a Protective Order moot with respect to those subpoenas. Even since July
26 23, 2003, when I met and conferred with Ms. Sun pursuant to Civil L.R. 37-1(a), Google
27 served another three subpoenas on third parties.

1 In addition, many of the subpoenas that Google already served are still pending.
2 The sooner the Court resolves this dispute between the parties, the more likely it will be
3 at least some of the third parties served with these subpoenas will be spared the
4 difficulty of responding to Google's excessive third party discovery. Accordingly,
5 Overture requests that the Court shorten the briefing and hearing schedule from 35
6 days to 14 days.

7 Overture proposes that Google's opposition to Overture's Motion for a Protective
8 Order be filed no later than August 11, 2003, which is seven (7) days after the motion
9 filing date. Overture requests that the Court hear Overture's Motion for a Protective
10 Order on August 19, 2003, which is fifteen (15) days after the motion filing date. If the
11 Court grants this motion to shorten the briefing and hearing schedule, Overture will
12 forego its right to file a reply brief.

13 **CONCLUSION**

14 For the foregoing reasons, and for the reasons set forth in Overture's Motion for
15 a Protective Order, Overture moves the Court to shorten the briefing and hearing
16 schedule for its Motion for a Protective Order. A proposed order is filed concurrently
17 herewith.

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20 Dated: August 4, 2003

By: s/Charles M. McMahon
Charles M. McMahon
BRINKS HOFER GILSON & LIONE

Attorneys for Plaintiff
OVERTURE SERVICES, INC.