

SJR

LAW OFFICES  
**KEKER & VAN NEST**  
L.L.P.

710 SANSOME STREET  
SAN FRANCISCO, CA 94111-1704  
TELEPHONE (415) 391-5400  
FAX (415) 397-7188

August 5, 2003

**VIA FACSIMILE AND FIRST CLASS MAIL**

Charles M. McMahon, Esq.  
Brinks Hofer Gilson & Lione  
NBC Tower - Suite 3600  
455 N. Cityfront Plaza Drive  
Chicago, IL 60611

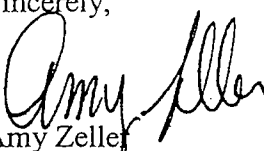
**Re: *Overture Services, Inc. v. Google Inc.***

Dear Mr. McMahon:

Enclosed please find copies of documents bates numbered THD 00001 through THD 00021.  
These documents were received in response to document subpoenas relating to GOTO's System  
prior to June 1998.

Thank you.

Sincerely,

  
Amy Zeller  
Paralegal

Enclosure



CARECOUNSEL  
EXPERT HELP WHEN YOU NEED IT MOST

RECEIVED

JUL 08 2003

KEKER & VAN NEST

July 7, 2003


Christine P. Sun  
Keker & Van Nest  
710 Sansome Street  
San Francisco, CA 94111

Dear Ms. Sun:

We received the subpoena from you requesting documents and financial records relating to our relationship with GOTO.com. We have searched old emails and invoices in our accounting system. It appears that we did not do business with GOTO.com before September 1998 (the date of the first bill paid by CareCounsel, LLC to GOTO.com for advertising).

Based on our recent phone conversation, this letter acknowledges that fact.

Sincerely,

  
Lawrence N. Gelb  
President and CEO

THD 00001



### Certification of No Records

Record Subject: Goto's Systems

I, the undersigned, being the duly authorized custodian of records or other qualified witness for the following entity:

Ad Up Corporation  
520 Washington Boulevard

With personal knowledge of the facts set forth below, and authority to certify said facts, do hereby attest as follows:

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
|  | Yes                                 | No                       |
| 1) A complete and thorough search of all active, inactive, and stored files has been made for the records.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) All identifying information provided, including but not limited to dates of birth, social security numbers, file numbers, dates of treatment or service, and names of involved parties was used in the search.                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) All possible information that can be used to search for the records of the record subject named above was provided, and no further search with additional information is possible.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) All branch offices and other business locations for the entity listed above have been searched.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) The entity listed above has no separate private records or other separate files, including consultations, treatment classifications, or chronological files, that were in any way excluded from the search for these records. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) To the best of my knowledge and belief, the entity listed above does not now and never has operated under other names or at other locations that were in any way excluded from the search for these records.                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7) To the best of my knowledge and belief, none of the requested records currently exist.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

For any "No" answers, please provide a detailed explanation:

The records called for and described cannot be produced for the following specific reasons:

Record(s) Requested	Never Existed	Lost	Destroyed	Retention Policy	Other (please explain)
All records described in	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
"Attachment A"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

I hereby declare under penalty of perjury, pursuant to the laws of the State of CA that the foregoing is true and correct.

Executed on: 7/10/03 at Marina Del Rey, CA  
Signature: [Signature] Print name: Steven Robiner

As an agent of Complex Legal Services, Inc., I hereby declare that all information provided to Complex regarding these records was communicated to the custodian prior to the execution of this Certificate of No Records.

NOTE: The Custodian was requested to sign this certificate and refused, electing instead to generate a similar document

Agent's signature: [Signature]  
Date: 7/10/03  
Complex Order #: A879915-003



FACSIMILE TRANSMITTAL SHEET

TO: COMPLEX LEGAL SERVICES, INC. C/O KEKER & VAN NEST LLP, ATTN: CHRISTINE P. SUN FROM: GARY DAVIS

FAX NUMBER: 415-397-7166 JULY 13, 2003

COMPANY: TOTAL NO. OF PAGES INCLUDING COVER:

PHONE NUMBER: SENDER'S PHONE NUMBER: 650-864-2290

RE: Letter of June 19, 2003 (Subpoena in Case No. C 02-01991 JSW (EDL) - Overture v. Google) SENDER'S FAX NUMBER: 650-864-2006

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS

Dear Ms. Sun,

Attached is the Declaration we have been asked to sign on. Please note that, following a review of our files, we were not able to find anything relating to Goto, either as a vendor or customer of Commtouch.

Please notify Complex of our response.

Sincerely,

Gary Davis
General Counsel
Commtouch Inc.



**COMPEX**  
Legal Services, Inc.

146 SOUTH SPRUCE  
SOUTH SAN FRANCISCO, CA 94080  
(650) 246-1201  
ORDER #: A879916 - 008

### NOTICE TO PARTY BEING SUBPOENAED

You may satisfy the provisions of this subpoena by following any of the following instructions:

1. ALLOW COMPEX TO PHOTOCOPY THE REQUESTED RECORDS
2. APPEAR AT THE SCHEDULED TIME AND PLACE, AND BRING WITH YOU THE ORIGINALS OF ALL THE RECORDS DESCRIBED IN THE SUBPOENA

IF THE SUBPOENA CALLS FOR RECORDS TO BE PRODUCED, PLEASE COMPLETE THE FOLLOWING DECLARATION AND INCLUDE IT WITH THE RECORDS.

PLEASE FILL OUT THOROUGHLY.

.....  
**DECLARATION OF CUSTODIAN OF RECORDS**

I, undersigned, being the duly authorized custodian of records for:  
COMMTouch SOFTWARE, INC.  
1300 CRITTENDON LANE, SUITE 102  
MOUNTAIN VIEW, CA 94043

with personal knowledge of the facts set forth below, and authority to certify said records, do hereby attest to the following facts:

I am an employee of the organization listed above and have personal knowledge of the procedures and practices reflected in these records.

The records pertain to: GOTO'S SYSTEM  
DATE OF BIRTH: 0/00/00 SOCIAL SEC.NO.:

Including this certificate, all the records called for in the attached Subpoena with which I was served have been provided to a COMPEX agent for the purpose of copying pursuant to Evidence Code 1560, with the exception of the attached list of documents: (Items must be described in great enough specificity to identify such excluded items)

The records were prepared in the ordinary course of business, by the personnel of said business for which I am the custodian of records, at or near the time of the acts, conditions, or events depicted therein. As custodian, I testify to the records identity and method of preparation. The source of the information and method of preparation were such as to indicate their trustworthiness. If I were called as a witness in this matter, I could and would competently testify under oath to the foregoing facts.

I hereby declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

EXECUTED ON : July 13, 2003  
(DATE)

EXECUTED AT : Netanya, Israel 1A HAZORAN ST.  
(ADDRESS)

SIGNED : X [Signature]  
(CITY, STATE AND ZIP CODE)  
(SIGNATURE OF CUSTODIAN OF RECORDS)

PRINT NAME : \_\_\_\_\_

**Gary Davis**  
General Counsel and Secretary  
CommTouch

THD 00004



**COMPEX**

Legal Services, Inc.

Certification of No Records

Record Subject: Goto's System Date of Birth: N/A Soc Sec #: N/A  
 AKA: N/A

I, the undersigned, being the duly authorized custodian of records or other qualified witness for the following entity:

Distinct Corporation

3315 Almaden Expressway, Suite 10

With personal knowledge of the facts set forth below, and authority to certify said facts, do hereby attest as follows:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1) A complete and thorough search of all active, inactive, and stored files has been made for the records.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) All identifying information provided, including but not limited to dates of birth, social security numbers, file numbers, dates of treatment or service, and names of involved parties was used in the search.                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) All possible information that can be used to search for the records of the record subject named above was provided, and no further search with additional information is possible.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) All branch offices and other business locations for the entity listed above have been searched.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) The entity listed above has no separate private records or other separate files, including consultations, treatment classifications, or chronological files, that were in any way excluded from the search for these records. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) To the best of my knowledge and belief, the entity listed above does not now and never has operated under other names or at other locations that were in any way excluded from the search for these records.                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7) To the best of my knowledge and belief, none of the requested records currently exist.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

For any "No" answers, please provide a detailed explanation: \_\_\_\_\_

The records called for and described cannot be produced for the following specific reasons:

Record(s) Requested	Never Existed	Lost	Destroyed	Retention Policy	Other (please explain)
<u>All documents requested in</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<u>"Attachment A" for the any dates</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<u>prior to 06/01/98</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

I hereby declare under penalty of perjury, pursuant to the laws of the State of CA that the foregoing is true and correct.

Executed on: 7/8/03 at San Jose, CA

Signature: T. Pedrotti Print name: TARCISIO PEDROTTI

As an agent of Complex Legal Services, Inc., I hereby declare that all information provided to Complex regarding these records was communicated to the custodian prior to the execution of this Certificate of No Records.

NOTE: The Custodian was requested to sign this certificate and refused, electing instead to generate a similar document

Agent's signature: [Signature]

Date: 7-11-03

Complex Order #: A879916-011

THD 00005

**Citysearch** 3731 Wishire Blvd., 3rd Floor, Los Angeles, CA 90010

Direct: (213) 739-3511  
Fax: (213) 427-1502

VIA OVERNIGHT MAIL

July 16, 2003

Christine P. Sun  
Keker & Van Nest LLP  
710 Sansome Street  
San Francisco, CA 94111-1704

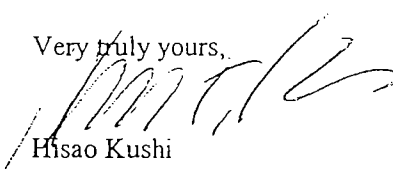
Re: Overture Services, Inc. v. Google, Subpoena dated June 19, 2003

Dear Ms. Sun:

In response to the above-referenced subpoena, please be advised that after a diligent search we have determined Citysearch.com does not have any documents responsive to the above-referenced subpoena. If we do discover documents that we determine are responsive, we will contact you.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

  
Hisao Kushi  
General Counsel

cc: Beth Lovejoy-Corrigan  
Ed Weiss

THD 00006



RECEIVED  
JUL 17 2003  
KEKER & VAN NEST

July 15, 2003

VIA U.S. Mail

Christine P. Sun  
Keker & Van Nest LLP  
710 Sansome Street  
San Francisco, CA 94111-1704

Re: *Overture Services, Inc. v. Google*, Case No. C 02-01991 JSW

Dear Ms. Sun,

Ask Jeeves has diligently conducted a review of its documents and records in response to the third-party subpoena propounded on it by Google Technology, Inc. in the above-captioned matter, and has found nothing responsive to produce.

Should you have any questions, I can be reached at 510-985-7509.

A handwritten signature in black ink that reads "Sharon A. Anolik". The signature is fluid and cursive.

Sharon A. Anolik  
Associate General Counsel and Chief Privacy Officer

THD 00007





Certification of No Records

Record Subject: Goto's System Date of Birth: N/A Soc Sec #: N/A
AKA: N/A

I, the undersigned, being the duly authorized custodian of records or other qualified witness for the following entity:

Classic FX
6754 Barbara

With personal knowledge of the facts set forth below, and authority to certify said facts, do hereby attest as follows:

- 1) A complete and thorough search of all active, inactive, and stored files has been made for the records.
2) All identifying information provided, including but not limited to dates of birth, social security numbers, file numbers, dates of treatment or service, and names of involved parties was used in the search.
3) All possible information that can be used to search for the records of the record subject named above was provided, and no further search with additional information is possible.
4) All branch offices and other business locations for the entity listed above have been searched.
5) The entity listed above has no separate private records or other separate files, including consultations, treatment classifications, or chronological files, that were in any way excluded from the search for these records.
6) To the best of my knowledge and belief, the entity listed above does not now and never has operated under other names or at other locations that were in any way excluded from the search for these records.
7) To the best of my knowledge and belief, none of the requested records currently exist.

For any "No" answers, please provide a detailed explanation:

The records called for and described cannot be produced for the following specific reasons:

Table with columns: Record(s) Requested, Never Existed, Lost, Destroyed, Retention Policy, Other (please explain). Rows include 'All documents requested in Attachment A for the any dates prior to 06/01/98'.

I hereby declare under penalty of perjury, pursuant to the laws of the State of CA that the foregoing is true and correct.

Executed on: 7/10/03 at Sebastapol, CA

Signature: [Handwritten Signature] Print name: THOMAS

As an agent of Complex Legal Services, Inc., I hereby declare that all information provided to Complex regarding these records was communicated to the custodian prior to the execution of this Certificate of No Records.
NOTE: The Custodian was requested to sign this certificate and refused, electing instead to generate a similar document
Agent's signature: [Handwritten Signature]
Date: 7/10/03
Complex Order #: A879916-007

THD 00008

FROM : ATTORNEYS TRUST SERVICE

PHONE NO. : 9257439259

Jul. 18 2003 12:16PM P2

GO TO.COM - CLIENT ACTIVITY REPORT  
 REPORT PERIOD: MONTH ENDING 01/31/2000

PAGE 2 OF 2

**COMPANY: Attorneys Trust Service**  
**ACCOUNT #: 3513fdff7885**

SEARCH TERMS	URL	BID AMOUNT	# OF CLICKS	TOTAL COST
living trust	http://www.attorneystrust.com/	0.05	12	\$0.60
livingtrust	http://www.attorneystrust.com/	0.01	5	\$0.05
trust	http://www.attorneystrust.com/	0.05	8	\$0.25
<b>TOTALS FOR THIS REPORT PERIOD:</b>			<b>22</b>	<b>\$1.90</b>

If your search term is listed but a zero appears in the # OF CLICKS column, this means that a results page was displayed but your web site did not receive a click. Note: If you have search terms that are not listed here, it is because there was no activity for those particular terms.

GoTo.com, 74 N. Pasadena Ave., 3rd Floor, Pasadena, CA 91103 - Tel: (828) 888-4800, Fax: (828) 888-8891

THD 00009

FROM : ATTORNEYS TRUST SERVICE

PHONE NO. : 9257439259

Jul. 10 2003 12:16PM P1

TO: NATALIE

**GOTO.COM**

**CLIENT ACTIVITY REPORT**

**REPORT PERIOD: MONTH ENDING 01/31/2000**

COMPANY: Attorneys Trust Service  
NAME: James N. Wood  
EMAIL: jwoodats@msn.com  
ACCOUNT #: 3513fdff7085

**TOTAL CLICKTHROUGH CHARGES FOR JANUARY 2000: \$0.90**

Balance as of December 31, 1999:	\$8.88
Deposits In January 2000:	\$0.00
Total Clickthrough Charges In January 2000:	(\$0.90)
Balance as of January 31, 2000:	\$7.98

For an even more detailed summary of your account activity, please use our DirecTraffic Center, which can be accessed 24 hours a day, 7 days a week. Also, log in to DirecTraffic Center for a list of our upcoming Popular Searches. Click here to log in: <https://secure.goto.com/dtc/center/>

Suggested Search Terms Tool: <http://Inventory.Go2.Com/Inventory/SearchInventory.asp>

Want More Traffic? Chances are you can drastically increase traffic to your site if you optimize your account. Click here for a list of 10 ways you can maximize clickthroughs to your site: <http://www.goto.com/d/about/advertisers/tips/>

GoTo.com, 74 N. Pasadena Ave., 3rd Floor, Pasadena, CA 91103 - Tel: (626) 636-6690, Fax: (626) 636-5601

THD 00010

FROM : ATTORNEYS TRUST SERVICE

PHONE NO. : 9257439259

Jul. 10 2003 12:17PM P3



**COMPEX**  
Legal Services, Inc.

2001 BROADWAY, SUITE 100  
OAKLAND, CA 94612  
(510) 986-1727  
ORDER #: A879916 - 003

**NOTICE TO PARTY BEING SUBPOENAED**

You may satisfy the provisions of this subpoena by following any of the following instructions:

1. ALLOW COMPEX TO PHOTOCOPY THE REQUESTED RECORDS
2. APPEAR AT THE SCHEDULED TIME AND PLACE, AND BRING WITH YOU THE ORIGINALS OF ALL THE RECORDS DESCRIBED IN THE SUBPOENA

IF THE SUBPOENA CALLS FOR RECORDS TO BE PRODUCED, PLEASE COMPLETE THE FOLLOWING DECLARATION AND INCLUDE IT WITH THE RECORDS.

PLEASE FILL OUT THOROUGHLY.

**DECLARATION OF CUSTODIAN OF RECORDS**

I, undersigned, being the duly authorized custodian of records for:

ATTORNEY'S TRUST SERVICE  
~~2401 SAN RAMON VALLEY BLVD., STE. 1-303~~ *111 Deerwood Rd. # 375*  
SAN RAMON, CA 94583-1601

with personal knowledge of the facts set forth below, and authority to certify said records, do hereby attest to the following facts:

I am an employee of the organization listed above and have personal knowledge of the procedures and practices reflected in these records.

The records pertain to: GOTO'S SYSTEM  
DATE OF BIRTH: 0/00/00 SOCIAL SEC.NO.:

Including this certificate, all the records called for in the attached Subpoena with which I was served have been provided to a COMPEX agent for the purpose of copying pursuant to Evidence Code 1560, with the exception of the attached list of documents: (Items must be described in great enough specificity to identify such excluded items)

The records were prepared in the ordinary course of business, by the personnel of said business for which I am the custodian of records, at or near the time of the acts, conditions, or events depicted therein. As custodian, I testify to the records idently and method of preparation. The source of the information and method of preparation were such as to indicate their trustworthiness. If I were called as a witness in this matter, I could and would competently testify under oath to the foregoing facts.

I hereby declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

*Attached 2 page Client Activity Report is all the documents in my possession.*

EXECUTED ON : July 10, 2003  
(DATE)

EXECUTED AT : 111 Deerwood Road, Suite 375  
(ADDRESS)  
SAN RAMON, CA 94583  
(CITY, STATE AND ZIP CODE)

SIGNED : X *James N. Wood*  
(SIGNATURE OF CUSTODIAN OF RECORDS)

PRINT NAME : JAMES N. WOOD

THD 00011

### Custodian's Certification of Records

I, undersigned, being the duly authorized custodian of records for:

ATTORNEY'S TRUST SERVICE  
2491 SAN RAMON VALLEY BLVD., STE. 1-303  
SAN RAMON, CA 94583-1601

with personal knowledge of the facts set forth below, and authority to certify said records do hereby attest to the following facts:

I am an employee of the above organization and have personal knowledge of the procedures and practices reflected in the records.

The records pertain to: **GOTO'S SYSTEM** Social Security Number:  
Date of Birth: **0/00/00**

Including this certificate, all records called for and described in the attached subpoena with which I was served have been provided to a COMPEX agent pursuant to Evidence Code Section 1560, with the exception of the documents (if any) listed below.

These records were:  Mailed to COMPEX on: 7-11-03  
 Presented to COMPEX on \_\_\_\_\_ for duplication.

The records were prepared in the ordinary course of business, by the personnel of said business for which I am the custodian of records, at or near the time of the acts, conditions, or events depicted therein. As custodian, I testify to the records identity and method of preparation. The source of the information and method of preparation were such as to indicate their trustworthiness. If I were called as a witness in this matter, I could and would competently testify under oath to these facts.

Record Types	If any records were not provided, explain here
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total number of pages provided: 2

I hereby declare, under penalty of perjury, pursuant to the laws of the State of California that the foregoing is true and correct.

Sign name: \_\_\_\_\_ Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_ Date Signed: \_\_\_\_\_

#### Agent's Certification of Records

As an agent of Compex Services, Inc., I hereby declare that the attached are true and complete copies of documents provided to me on this date. All copies will be delivered to party that caused this request to be issued.

The total number of pages copied was: 2

Signed: [Signature]  
Date: 7-11-03

NOTE: The Custodian was requested to sign this certificate at the time of document production, and refused to sign or generate a similar document.

Signed: \_\_\_\_\_  
Date: \_\_\_\_\_

COMPEX Order Number: A879916-003-01

THD 00012

AO 88 (Rev. 11/91) Subpoena in a Civil Case

# United States District Court

NORTHERN DISTRICT OF CALIFORNIA

OVERTURE SERVICES, INC.,

PLAINTIFF(S),

**SUBPOENA IN A CIVIL CASE**

V.

GOOGLE INC.,

CASE NUMBER: <sup>1</sup> C 02-01991 JSW (EDL)

DEFENDANT(S),

TO:

ATTORNEY'S TRUST SERVICE  
 2491 SAN RAMON VALLEY BLVD., STE. 1-303  
 SAN RAMON, CALIFORNIA 94583-1601

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):  
 SEE ATTACHMENT A.

PLACE COMPEX LEGAL SERVICES, INC. 146 SOUTH SPRUCE SOUTH SAN FRANCISCO, CA 94080	DATE AND TIME 7/21/03 9:00 AM
---	-------------------------------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to the suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) CHRISTINE P. SUN ATTORNEY-AT-LAW ATTORNEY(S) FOR DEFENDANT, GOOGLE INC.	DATE 6/19/03
--	-----------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER KEKER & VAN NEST 710 SANSOME STREET SAN FRANCISCO, CA 94111	(415) 391-5400
---	----------------

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

<sup>1</sup> If action is pending in district other than district of issuance state district under case number.

THD 00013

Attachment A

DEFINITIONS

A) "YOU" or "YOUR" refers to Attorneys Trust Service, its subsidiaries, divisions, predecessor companies, any joint venture to which it may be a party, and/or each of its employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time.

B) "GOTO'S SYSTEM" means any GOTO system wherein paid search listings are ranked through an auction process.

C) "GOTO" means GoTo.com, and/or each of its employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time.

D) "DOCUMENT(S)" means and includes any kind of written, typewritten, or printed material whatsoever, and any computer readable media, including, but without limitation, papers, agreements, contracts, notes, memoranda, presentations, presentation materials, correspondence, letters, emails, telegrams, statements, invoices, personal diaries, records, books, maps, blueprints, forms, transcriptions and recordings, translations to any language, magnetic tapes, discs, printed cards, programming instructions, assembly diagrams, schematic diagrams, data books, data sheets, application notes, brochures, specifications, and manuals of which YOU have knowledge or information, either in YOUR possession or under YOUR custody or control, relating to or pertaining in any way to the subject matters in connection with which it is used and includes, without limitation, originals, all file copies, and other copies, no matter how or by whom prepared, and all drafts prepared in connection with any such writings, whether used or not, regardless of whether the document still exists, and regardless of who has maintained custody of such documents.

E) "RELATING TO" means concerning, referring to, summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with, mentioning, discussing, consisting of, comprising, showing, commenting upon, evidencing, describing or otherwise RELATING TO the subject matter.

INSTRUCTIONS

A) In answering this subpoena, YOU are required to furnish all documents that are available to YOU, under YOUR custody or control, not merely

such documents as the persons preparing the responses know of their own personal knowledge, but including, without limitation, documents in the possession of YOUR attorneys, employees, or other persons directly or indirectly employed by, or connected with YOU or YOUR attorneys or consultants, or anyone acting on YOUR behalf or otherwise subject to YOUR control. In answering this subpoena YOU are requested to make a diligent search of YOUR records and of other papers and materials in YOUR possession or control or in the possession or control of YOUR employees, attorneys, consultants, or other representatives.

B) In the event any information is withheld on a claim of attorney-client privilege or work product doctrine, YOU are required to provide a privilege log which includes at least the following information: the nature of the information contained in the withheld document, the date of the document, its source and subject matter, and to whom that information was disclosed, such as would enable the privilege claim to be adjudicated and cite any authority which YOU assert supports any claim of privilege.

C) If YOU cannot respond to this subpoena fully, after a diligent attempt to attain the requested information, YOU are required to answer the subpoena to the extent possible, specify the portion of the subpoena YOU are unable to answer, and provide whatever information YOU have regarding the unanswered portion.

**DOCUMENTS REQUESTED**

1. All DOCUMENTS RELATING TO GOTO'S SYSTEM prior to June 1998.
2. All financial records reflecting any payments to GOTO RELATING TO GOTO'S SYSTEM prior to June 1998.





DECLARATION ESTABLISHING  
PROOF OF SERVICE OF SUBPOENA

CASE NUMBER.: C 02-01991 JSW (EDL)

CASE CAPTION: OVERTURE SERVICES, INC.,  
VS.....: GOOGLE INC.,

1. I served the attached subpoena by personally delivering a copy to the person served as follows:

PERSON SERVED.....: 1:50 KYRA L.

ADDRESS WHERE SERVED: 2491 SAN RAMON VALLEY BLVD., STE. 1-303  
SAN RAMON, CA 94583-1601

PHONE NUMBER.....: 925 8309431

DATE OF DELIVERY.....: 7/02/03

TIME OF DELIVERY.....: 0:00:00

WITNESS FEES PAID...: \$ 15.00 CHECK NUMBER: 6545632

2. I received the attached subpoena for service on...: 7/02/03

3. Person serving:

Is an employee or independent contractor of a registered California process server.

Is a registered professional photocopier.

Name, address, telephone number, county of registration, and registration number: ROBERTO DE LA FUENTE  
2001 BROADWAY, SUITE 100  
OAKLAND, CA 94612  
LOS ANGELES COUNTY NUMBER 666  
510 9861727

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED AT: 2001 BROADWAY, SUITE 100  
OAKLAND, CA 94612

DATE.....: 7/02/03

(SIGNATURE)

ORDER# A87991600301

THD 00016



Legal Services, Inc.

Certification of No Records

Record Subject: Goto's System

I, the undersigned, being the duly authorized custodian of records or other qualified witness for the following entity:

Brave New World, Inc.

221 East Walnut Street, Suite 215

With personal knowledge of the facts set forth below, and authority to certify said facts, do hereby attest as follows:

- 1) A complete and thorough search of all active, inactive, and stored files has been made for the records.
2) All identifying information provided, including but not limited to dates of birth, social security numbers, file numbers, dates of treatment or service, and names of involved parties was used in the search.
3) All possible information that can be used to search for the records of the record subject named above was provided, and no further search with additional information is possible.
4) All branch offices and other business locations for the entity listed above have been searched.
5) The entity listed above has no separate private records or other separate files, including consultations, treatment classifications, or chronological files, that were in any way excluded from the search for these records.
6) To the best of my knowledge and belief, the entity listed above does not now and never has operated under other names or at other locations that were in any way excluded from the search for these records.
7) To the best of my knowledge and belief, none of the requested records currently exist.

For any "No" answers, please provide a detailed explanation:

The records called for and described cannot be produced for the following specific reasons:

Table with columns: Record(s) Requested, Never Existed, Lost, Destroyed, Retention Policy, Other (please explain). Rows include 'Any and All records described in' and 'Attachment A'.

I hereby declare under penalty of perjury, pursuant to the laws of the State of CA that the foregoing is true and correct.

Executed on: July 21 2003 at Pasadena, CA

Signature: [Handwritten Signature] Print name: Brian Despa

As an agent of Complex Legal Services, Inc., I hereby declare that all information provided to Complex regarding these records was communicated to the custodian prior to the execution of this Certificate of No Records.
NOTE: The Custodian was requested to sign this certificate and refused, electing instead to generate a similar document
Agent's signature: [Handwritten Signature]
Date: [Handwritten Date]
Complex Order #: A879915-006

THD 00017

GOTO's System  
~~LORE SJOBORG~~

**Certification of No Records**

~~07/27/2003~~

Record Subject: ~~BRANCHING SHUTTLECOCKS~~ Date of Birth: ~~07/27/1970~~ Soc Sec #: ~~077A~~  
 AKA: \_\_\_\_\_

I, the undersigned, being the duly authorized custodian of records or other qualified witness for the following entity:  
BRANCHING SHUTTLECOCKS 514 WASHINGTON ST. Suite B  
SANTA CRUZ, CA

With personal knowledge of the facts set forth below, and authority to certify said facts, do hereby attest as follows:

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
|  | Yes                                 | No                       |
| 1) A complete and thorough search of all active, inactive, and stored files has been made for the records.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) All identifying information provided, including but not limited to dates of birth, social security numbers, file numbers, dates of treatment or service, and names of involved parties was used in the search.                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) All possible information that can be used to search for the records of the record subject named above was provided, and no further search with additional information is possible.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) All branch offices and other business locations for the entity listed above have been searched.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) The entity listed above has no separate private records or other separate files, including consultations, treatment classifications, or chronological files, that were in any way excluded from the search for these records. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) To the best of my knowledge and belief, the entity listed above does not now and never has operated under other names or at other locations that were in any way excluded from the search for these records.                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7) To the best of my knowledge and belief, none of the requested records currently exist.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

For any "No" answers, please provide a detailed explanation: \_\_\_\_\_

The records called for and described cannot be produced for the following specific reasons:

Record(s) Requested	Never Existed	Lost	Destroyed	Retention Policy	Other (please explain)
DOCUMENTS RELATING TO GOTO'S SYSTEM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE	ALL RECORDS FOR THAT PERIOD
FINANCIAL RECORDS RELATING TO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		RELATING TO BRANCHING
GOTO'S SYSTEM	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE	SHUTTLECOCK LOST, PROBABLY
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		IN HARD DRIVE CRASH.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		ONLY REMAINING RECORD OF
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		TRANSACTION AT:
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		HTTP://BRANCHING.COM/STELLER.ORG/SM.VTM

I hereby declare under penalty of perjury, pursuant to the laws of the State of CALIFORNIA that the foregoing is true and correct.

Executed on: 21 July 2003 at 1583 ARCHST. BERKELEY CA

Signature: [Signature] Print name: LORE SJOBORG

<p>As an agent of Complex Legal Services, Inc., I hereby declare that all information provided to Complex regarding these records was communicated to the custodian prior to the execution of this Certificate of No Records.</p> <p><input type="checkbox"/> NOTE: The Custodian was requested to sign this certificate and refused, electing instead to generate a similar document.</p> <p>Agent's signature: <u>[Signature]</u></p> <p>Date: <u>7/25/03</u> Complex Order #: <u>A879916-004</u></p>	<p>This instrument was acknowledged before me this _____ day of _____ in _____, _____, _____, California.</p> <p>as _____ for _____</p> <p>NOTARY PUBLIC                  State of _____                  My commission expires: _____</p>
---	--

Record Subject: OOTDS SYSTEM Date of Birth: \_\_\_\_\_ Soc Sec #: \_\_\_\_\_

IKI: \_\_\_\_\_

I, the undersigned, being the duly authorized custodian of records or other \_\_\_\_\_, do hereby certify for the following entity:

MARKETING EXCELLENCE, INC.  
1112 HIGHLAND OAKS, ARCADIA (626) 446-1911

With personal knowledge of the facts set forth below, and authority to certify and attest, do hereby attest as follows:

- |  |                                     |                          |
|--|-------------------------------------|--------------------------|
| 1) A complete and thorough search of all active, inactive, and stored files has been made for the records.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) All identifying information provided, including but not limited to dates of birth, social security numbers, file numbers, dates of treatment or service, and names of involved parties was used in the search.                | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) All possible information that can be used to search for the records of the record subject named above was provided, and no further search with additional information is possible.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) All branch offices and other business locations for the entity listed above have been searched.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5) The entity listed above has no separate private records or other separate files, including consultations, treatment classifications, or chronological files, that were in any way excluded from the search for these records. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6) To the best of my knowledge and belief, the entity listed above does not now and never has operated under other names or at other locations that were in any way excluded from the search for these records.                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7) To the best of my knowledge and belief, none of the requested records currently exist.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

For any "No" answers, please provide a detailed explanation: \_\_\_\_\_

The records called for and described cannot be produced for the following specific reasons:

Record(s) Requested	Never Existed	Lost	Destroyed	Excluded by	Other (please explain)
<u>Requested Records</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<u>President died in horrible accident on 5/27/01. Records not long exist. Records closed immediately after.</u>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

I hereby declare under penalty of perjury, pursuant to the laws of the State of CA that the foregoing is true and correct.

Executed on: 7-29-03 at ARCADIA, CA

Signature: [Signature] Print name: Mary Began

As an agent of Compex Legal Services, Inc., I hereby declare that all information provided to Compex regarding these records was communicated to the custodian prior to the execution of this Certificate of No Records.

NOTE: The Custodian was requested to sign this certificate but refused, electing instead to generate a similar document.

Agent's signature: [Signature] Date: 7-29-03 Compex Order #: A818649028

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_ (Print Custodian Name) for \_\_\_\_\_ (Entity)

THD 00019

I HAVE NO Dealings with the two companys  
described nor do I know ~~who~~ who they ARE.  
Sorry I can not help you.

Dean MAZZEI

THD 00020

A 879914-009

### Custodian's Certification of Records

I, undersigned, being the duly authorized custodian of records for:

DEAN B. MAZZEI  
118 DUFOUR STREET  
SANTA CRUZ, CA 95060

with personal knowledge of the facts set forth below, and authority to certify said records do hereby attest to the following facts:

I am an employee of the above organization and have personal knowledge of the procedures and practices reflected in the records.

The records pertain to: GOTO'S SYSTEM  
Date of Birth: 0/00/00 Social Security Number:

Including this certificate, all records called for and described in the attached subpoena with which I was served have been provided to a COMPEX agent pursuant to Evidence Code Section 1560, with the exception of the documents (if any) listed below.

These records were:  Mailed to COMPEX on: 7/31/03  
 Presented to COMPEX on \_\_\_\_\_ for duplication.

The records were prepared in the ordinary course of business, by the personnel of said business for which I am the custodian of records, at or near the time of the acts, conditions, or events depicted therein. As custodian, I testify to the records identity and method of preparation. The source of the information and method of preparation were such as to indicate their trustworthiness. If I were called as a witness in this matter, I could and would competently testify under oath to these facts.

Record Types	If any records were not provided, explain here
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Total number of pages provided: 1

I hereby declare, under penalty of perjury, pursuant to the laws of the State of California that the foregoing is true and correct.

Sign name: \_\_\_\_\_ Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_ Date Signed: \_\_\_\_\_

#### Agent's Certification of Records

As an agent of Compex Services, Inc., I hereby declare that the attached are true and complete copies of documents provided to me on this date. All copies will be delivered to party that caused this request to be issued.

The total number of pages copied was: 1

Signed: [Signature]  
Date: 7/31/03

NOTE: The Custodian was requested to sign this certificate at the time of document production, and refused to sign or generate a similar document.

THD 00021

Signed: \_\_\_\_\_  
Date: \_\_\_\_\_