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6 Attorneys for Defendant and Counterclaimant  
 GOOGLE TECHNOLOGY INC., sued under its former name  
 7 GOOGLE INC.

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

12 OVERTURE SERVICES, INC., a Delaware  
 13 corporation,

14 Plaintiff and Counterdefendant,

15 v.

16 GOOGLE INC., a California corporation,

17 Defendant and Counterclaimant.

Case No. C 02-01991 JSW (EDL)

**DECLARATION OF MICHAEL S. KWUN  
 IN SUPPORT OF GOOGLE'S  
 RESPONSIVE CLAIM CONSTRUCTION  
 BRIEF**

Tutorial: October 15, 2003, 2 p.m.  
 Hearing: October 22, 2003, 2 p.m.  
 Courtroom: 2, 17th Floor  
 Judge: Hon. Jeffrey S. White

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1 I, Michael S. Kwun, declare as follows:

2 1. I am an associate at the law firm of Kecker & Van Nest, LLP, counsel of record for  
3 Google Technology Inc. (“Google”) in the above-captioned matter. I make this declaration in  
4 support of Google’s Responsive Claim Construction Brief. I make the following declaration  
5 based upon my personal knowledge, and could testify thereto under oath if called upon to do so.

6 2. The Exhibits attached hereto Bates-stamped with “OVG” numbers are documents  
7 produced by Overture in discovery in this action.

8 3. The Exhibits attached hereto Bates-stamped with “GOG” numbers are documents  
9 produced by Overture in discovery in this action.

10 4. The Exhibits attached hereto that are not Bates-stamped are documents identified  
11 by the parties during the claim construction proceedings in this action.

12 5. Attached hereto as Exhibit 1 is a true and correct copy of an article from C/Net  
13 News.com entitled, “Engine sells results, draws fire,” dated June 21, 1996 (OVG 1371-72).

14 6. Attached hereto as Exhibit 2 is a true and correct copy of an article from C/Net  
15 News.com entitled, “New ad model charges by the click,” dated April 29, 1996 (OVG 1216-17).

16 7. Attached hereto as Exhibit 3 is a true and correct copy of an article from  
17 Electronic Advertising & Marketplace Report entitled, “New Service Puts Auction, Search  
18 Engine Under One Roof,” dated April 28, 1998, Vol. 12 Issue 8 (OVG 1124-25).

19 8. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from The  
20 American Heritage Dictionary of the English Language, 4<sup>th</sup> edition, 2000 (GOG 032273-77).

21 9. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from The New  
22 Oxford English Dictionary 1998.

23 10. Attached hereto as Exhibit 6 is a true and correct copy of an article from the  
24 website SearchEngineOptimism.com entitled, “Google Adwords and Overture” (GOG 32242-  
25 250), as printed out on a date between March and June 2003. The URL is:

26 [http://searchengineoptimism.com/SEO\\_Tutorial/google\\_adwords\\_overture.html](http://searchengineoptimism.com/SEO_Tutorial/google_adwords_overture.html), as noted in the  
27 footer of the document.

28 11. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from The

1 Random House Dictionary of the English Language 2<sup>nd</sup> edition, Unabridged, 1987.

2 12. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from Webster's  
3 New World College Dictionary 3<sup>rd</sup> edition, 1997.

4 13. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from Merriam-  
5 Websters's Collegiate Dictionary 10<sup>th</sup> edition, 1995.

6 14. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from The  
7 New Oxford English Dictionary 1998.

8 15. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the  
9 microfiche that was submitted as an appendix to Patent Application No. 09/322,677.

10 16. Attached hereto as Exhibit 12 is a true and correct copy of the Notice of  
11 Allowability dated March 23,2001 regarding Patent Application No. 09/322,677 (GOG 31824-  
12 28).

13 17. Attached hereto as Exhibit 13 is a true and correct copy of United States Patent  
14 Application No. US 2003/0101126A1, May 29, 2003, Cheung et al. (GOG 32207-224).

15 18. Attached hereto as Exhibit 14 is a true and correct copy of an article from the  
16 website SearchEnginesInfo.com entitled, "Pros and Cons of Overture's Auto Bidding," as  
17 printed out on a date between March and June 2003 (GOG 32256). The URL for this article is:  
18 [http://searchenginesinfo.com/microsites/newsarticle.asp?mode=print&newsarticleid=1700889&r  
19 eleaseid=&srid=11271&magazineid=151&siteid=2](http://searchenginesinfo.com/microsites/newsarticle.asp?mode=print&newsarticleid=1700889&releaseid=&srid=11271&magazineid=151&siteid=2), as noted in the footer of the document.

20 19. Attached hereto as Exhibit 15 is a true and correct copy of an article from the  
21 website SearchEngines.com entitled, "Pay-per-click search engines," as printed out on a date  
22 between March and June 2003 (GOG 32254-55). The URL for this article is:  
23 [http://www.searchengines.com/pay\\_per\\_click.html](http://www.searchengines.com/pay_per_click.html), as noted in the footer of the document.

24 20. Attached hereto as Exhibit 16 is a true and correct copy of an article from the  
25 website TundraWolfPromotions.com entitled, "InfoSpace Adds Google's Award-Winning  
26 Search Results to its Industry-Leading Meta-Search Technology," as printed out on a date  
27 between March and June 2003 (GOG 32230-33). The URL for this article is:  
28 <http://www.tundrawolfpromotions.com/news.htm>, as noted in the footer of the document.

1 21. Attached hereto as Exhibit 17 is a true and correct copy of instructions from the  
2 eBay.com website on “How to Bid,” as printed out on a date between March and June 2003.  
3 (GOG 03225-27) The URL is: <http://www.pages.ebay.com/new/bid.html>, as noted in the footer  
4 of the document.

5 22. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from The  
6 Random House Dictionary of the English Language 2<sup>nd</sup> edition, Unabridged, 1987.

7 23. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from  
8 Webster’s New World College Dictionary 3<sup>rd</sup> edition, 1997.

9 24. Attached hereto as Exhibit 20 is a true and correct copy of an article from C/Net  
10 News.com entitled, “New search engine goes commercial,” dated February 18,1998 (OVG 1222-  
11 23).

12 25. Attached hereto as Exhibit 21 is a true and correct copy of an article from ZDNet  
13 News and Views entitled, “Searching For The Highest Bidder,” dated February 19, 1998 (OVG  
14 1226-27).

15 26. Attached hereto as Exhibit 22 is a true and correct copy of an article from  
16 OCWeekly.com entitled, “GoTo.Hell,” dated March 13,1998 (OVG 1232-34).

17 27. Attached hereto as Exhibit 23 is a true and correct copy of an article from the  
18 Search Engine Report entitled, “Go To Sells Positions,” dated March 5, 1998 (OVG 1366-70).

19 28. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the  
20 textbook An Introduction to Database Systems, 3<sup>rd</sup> edition, 1981 (GOG 32264-69).

21 29. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the  
22 Chambers and Technology Dictionary 1988 (GOG 32270-72).

23 30. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from the  
24 textbook Fundamentals of Database Systems 1989.

25 31. Attached hereto as Exhibit 27 is a true and correct copy of excerpts from The  
26 New Oxford English Dictionary 1998.

27 32. Attached hereto as Exhibit 28 is a true and correct copy of excerpts from  
28 Webster’s New World College Dictionary 3<sup>rd</sup> edition, 1997.

