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 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 v.

19 GOOGLE INC., a California Corporation,

20 Defendant.

CASE NO. C02-01991 JSW (EDL)

PLAINTIFF'S MISCELLANEOUS
 ADMINISTRATIVE REQUEST FOR
 GUIDANCE REGARDING EXISTENCE OF
 LIMITATIONS ON THE LENGTH OF
 PLAINTIFF'S REPLY BRIEF REGARDING
 CLAIM CONSTRUCTION

L.R. 7-10(b)

22 In view of the *forty-six* page Responsive Claim Construction Brief filed last
 23 Friday, August 22, 2003, by defendant Google Technology Inc. ("Google"), plaintiff Overture
 24 Services, Inc. ("Overture") seeks the Court's guidance with respect to whether there are any page
 25 limitations applicable to Overture's Reply Brief, currently due Wednesday, September 3.¹

26 On August 8, 2003, operating under the assumption that the page limitations of
 27 _____

28 ¹ The claim construction hearing in this matter is scheduled to take place on October 22, 2003.

1 Local Rule 7-1 were applicable, Overture filed a 25 page Opening Claim Construction Brief. On
2 Friday, August 22, Google filed a 46 page responsive brief. Prior to filing the brief, Google
3 neither consulted Overture nor (to Overture's knowledge) sought leave or guidance from the
4 Court regarding the brief's length. At footnote 1 of the brief, Google takes the position that in
5 this Court there are *no page limitations* applicable to claim construction briefing. (In the same
6 footnote, Google requests leave to file its oversized brief in the event the Court disagrees with
7 Google's position regarding the absence of any page limitations.)

8 Given the length of Google's footnote-laden brief, Plaintiff anticipates filing a
9 Reply brief that exceeds the 15 page limit of Local Rule 7-3(c) (and paragraph 7 of the Court's
10 Standing Order). In view of Google's stated position that no page limitations apply, Overture
11 has seen no need to seek Google's stipulation to the filing of such a brief. Overture files this
12 miscellaneous administrative request in an effort to assure its compliance with the Court's rules
13 and respectfully requests that the Court inform Overture if, in these circumstances, the filing of a
14 Reply brief exceeding 15 pages is prohibited. Should the Court restrict Overture's Reply brief to
15 15 pages, then Overture respectfully requests that Google's oversized responsive claim
16 construction brief be stricken and that Google be ordered to file a brief no more than 25 pages in
17 length.

18 Dated: August 25, 2003

19 LATHAM & WATKINS

20
21 By /s/ Anthony I. Fenwick
22 Anthony I. Fenwick
23 Attorneys for Plaintiff OVERTURE
24 SERVICES INC.
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