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 6 GOOGLE TECHNOLOGY INC., sued under its former name
 GOOGLE INC.
 7

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

12 OVERTURE SERVICES, INC., a Delaware
 corporation,

13 Plaintiff and Counterdefendant,

14 v.

15 GOOGLE INC., a California corporation,

16 Defendant and Counterclaimant.
 17

Case No. C 02-01991 JSW (EDL)

**GOOGLE TECHNOLOGY INC.'S
 RESPONSE TO OVERTURE SERVICES,
 INC.'S MISCELLANEOUS
 ADMINISTRATIVE REQUEST FOR
 GUIDANCE REGARDING EXISTENCE
 OF LIMITATIONS ON THE LENGTH OF
 PLAINTIFF'S REPLY BRIEF
 REGARDING CLAIM CONSTRUCTION**

18
 19 Pursuant to Civil Local Rule 7-10(b)(2), Google Technology Inc. ("Google") hereby
 20 responds to Overture Services, Inc.'s ("Overture's") Miscellaneous Administrative Request for
 21 Guidance Regarding Existence of Limitations on the Length of Plaintiff's Reply Brief Regarding
 22 Claim Construction.

23 Overture seeks leave to file and/or clarification that it is allowed to file a reply brief
 24 regarding claim construction that exceeds fifteen pages. In the alternative, Overture requests that
 25 the Court strike Google's August 22, 2003 responsive claim construction brief; order Google to
 26 file a brief that is no more than twenty-five pages in length, and that Overture's deadline for
 27 filing its reply brief be extended until seven court days after the filing of Google's revised brief.
 28 Google does not oppose Overture first request, but does oppose Overture's alternative request.

1 As noted in footnote 1 of Google's responsive claim construction brief, Google believes
2 that briefs submitted in claim construction proceedings (which are not described by the Patent
3 Local Rules as a motion, and which do not involve the filing of a notice of motion and motion)
4 are not subject to the page limits for motions that set forth in Civil Local Rules 7-2(b), 7-3(a) and
5 7-3(c). Google therefore believes that Overture is entitled to file a reply brief regarding claim
6 construction that is in excess of fifteen pages.

7 Moreover, if claim construction proceedings are subject to page limits that apply to
8 motions, Google notes that the applicable page limit for opening and responsive briefs, in light of
9 the Court's Standing Order, would be *fifteen* pages, not *twenty-five* pages. This Court's Standing
10 Order provides,

11 Briefs or Memoranda of Points and Authorities in support of, or in opposition to,
12 any motion, with the exception of summary judgment motions, may not exceed
13 fifteen pages in length, exclusive of title pages, indices of cases, table of contents,
14 exhibits, affidavits, and summaries of argument, if required.

15 Standing Order ¶ 7. Because claim construction proceedings are not case dispositive, they are
16 not summary judgment motions. Thus, if they are subject to page limits applicable to motions,
17 this Court's fifteen-page limit applies.

18 Google respectfully submits that the issues presented by the parties' sixty-six page joint
19 claim construction statement merit more than fifteen-page briefs. Thus, while Google does not
20 oppose Overture's request for leave to file and/or clarification that it is allowed to file a reply
21 brief regarding claim construction that exceeds fifteen pages, Google does oppose Overture's
22 alternative request that Google's responsive claim construction brief be stricken, and Google
23 ordered to file a revised brief that does not exceed twenty-five pages in length.

24 Dated: August 25, 2003

KEKER & VAN NEST, LLP

25 By: s/Michael S. Kwun
26 MICHAEL S. KWUN
27 Attorneys for Defendant and
28 Counterclaimant GOOGLE
TECHNOLOGY INC., sued under its
former name GOOGLE INC.