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 GOOGLE, INC., GOOGLE ADSENSE

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

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12 THERESA B. BRADLEY, Psy.D./JD,  
 Plaintiff,  
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 v.  
 14  
 15 GOOGLE, INC., GOOGLE ADSENSE,  
 Defendants.  
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Case No. C-06-05289-WHA

**DEFENDANTS' REQUEST FOR  
 JUDICIAL NOTICE IN SUPPORT OF  
 MOTION TO DISMISS AMENDED  
 COMPLAINT**

Date: December 21, 2006  
 Time: 8:00 a.m.  
 Dept: Courtroom 9  
 Judge: William H. Alsup

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Date Comp. Filed: August 28, 2006

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Trial Date: TBD

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1 Defendants Google, Inc. and Google AdSense (“Google”) respectfully request that the  
2 Court take judicial notice, pursuant to Rule 201 of the Federal Rules of Evidence, of certain  
3 documents and information cited in support of its Motion to Dismiss Amended Complaint for  
4 Failure To State A Claim.

5 **I. REQUEST FOR JUDICIAL NOTICE**

6 Pursuant to Federal Rule of Evidence 201, Google requests that the Court take judicial  
7 notice of the following:

8 (1) Google AdSense Online Standard Terms and Conditions. A true and correct copy  
9 of this web page is attached hereto as Exhibit A.

10 (2) Google AdSense Tour. A true and correct copy of these web pages are attached  
11 as Exhibit B.

12 (3) Gmail Terms of Use. A true and correct copy of this web page is attached hereto  
13 as Exhibit C.

14 Exhibits A-C are suitable for judicial notice pursuant to Federal Rule of Evidence 201(b).  
15 Under that rule, the Court may take judicial notice of any matter that is “not subject to reasonable  
16 dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court  
17 or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot  
18 reasonably be questioned.” Courts have relied on Fed. R. Evid. 201(b) to take judicial notice of  
19 information available through public websites. *See Doron Precision Systems, Inc. v. FAAC, Inc.*,  
20 423 F. Supp. 2d 173, 179 n.8 (S.D.N.Y. 2006) (“For purposes of a 12(b)(6) motion to dismiss, a  
21 court may take judicial notice of information publicly announced on a party’s website, as long as  
22 the website’s authenticity is not in dispute and it is capable of accurate and ready  
23 determination.”) (quotations omitted); *Wible v. Aetna Life Ins. Co.*, 375 F. Supp. 2d 956, 965-66  
24 (C.D. Cal. 2005) (granting request for judicial notice of web pages).

25 (4) Search results from the website of the California Secretary of State for queries on  
26 “Google” and “Google AdSense.” A true and correct copy of these search results are attached  
27 hereto as Exhibit D.

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1 Exhibits D is suitable for judicial notice pursuant to Federal Rule of Evidence 201(b)  
2 since it reflects the records of a state administrative body. *See Interstate Nat. Gas Co. v.*  
3 *Southern California Gas Co.*, 209 F.2d 380, 385 (9th Cir. 1954) (courts may “take judicial notice  
4 of records and reports of administrative bodies”).

5 Accordingly, this Court is entitled to take judicial notice of Exhibits A – D and Google  
6 requests that this Court take judicial notice of the exhibits identified above and attached hereto.

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8 Dated: November 16, 2006

KEKER & VAN NEST, LLP

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By: /s/ Andrew Shen  
ANDREW SHEN  
Attorneys for Defendants  
GOOGLE, INC., GOOGLE ADSENSE

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