

## **Exhibit J**

1 Robert N. Phillips (SBN 120970)  
Ethan B. Andelman (SBN 209101)  
2 HOWREY SIMON ARNOLD & WHITE, LLP  
525 Market Street, Suite 3600  
3 San Francisco, CA 94105  
Telephone: (415) 848-4900  
4 Facsimile: (415) 848-4999

5 David A. Rammelt (*Admitted Pro Hac Vice*)  
Susan J. Greenspon (*Admitted Pro Hac Vice*)  
6 Dawn M. Beery (*Admitted Pro Hac Vice*)  
KELLEY DRYE & WARREN LLP  
7 333 West Wacker Drive, Suite 2600  
Chicago, IL 60606  
8 Telephone: (312) 857-7070  
Facsimile: (312) 857-7095

9 Attorneys for Defendant/Counter-Plaintiff  
10 AMERICAN BLIND AND WALLPAPER  
FACTORY, INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 GOOGLE INC., a Delaware corporation,

Case No. C 03-5340-JF (RS)

14 Plaintiff,

**NOTICE OF RULE 30(B)(6) DEPOSITION**

15 v.

16 AMERICAN BLIND & WALLPAPER  
FACTORY, INC., a Delaware corporation  
17 d/b/a decoratetoday.com, Inc.; and DOES 1-  
18 100, inclusive,

19 Defendants.

20 AMERICAN BLIND & WALLPAPER  
FACTORY, INC., a Delaware corporation  
21 d/b/a decoratetoday.com, Inc.,

22 Counter-Plaintiff,

23 v.

24 GOOGLE, INC., AMERICA ONLINE, INC.,  
NETSCAPE COMMUNICATIONS  
25 CORPORATION, COMPUSERVE  
INTERACTIVE SERVICES, INC., ASK  
26 JEEVES, INC., and EARTHLINK, INC.

27 Counter-Defendants/  
Third-Party Defendants  
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PLEASE TAKE NOTICE THAT Defendant/Counter-Plaintiff AMERICAN BLIND AND WALLPAPER FACTORY, INC., ("American Blind") by its attorneys Kelley Drye & Warren LLP, pursuant to Federal Rule 30(b)(6), will take the deposition upon oral examination of the following individual(s):

- Name:** Person(s) most knowledgeable about the subject matters set forth in Exhibit A, attached hereto
- Date:** 9:00 a.m., February 21, 2006, continuing day-to-day until completed.
- Place:** HOWREY SIMON ARNOLD & WHITE, LLP  
525 Market Street, Suite 3600  
San Francisco, CA 94105  
Telephone: (415) 848-4900

The deposition will be held before a Notary Public or before some other person authorized by law to administer oaths and will be recorded stenographically in accordance with Federal Rule 30.

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**EXHIBIT A**

1. Google's e-mail and electronic data storage system, policies and operations.
2. The development, formulation, execution and operation of Google's present and former trademark policies relating to the display, bidding, sale, purchase or other use of keywords.
3. Google's relationship with American Blind & Wallpaper Factory.
4. The display, bidding, sale, purchase or other use (or claimed use) of American Blind's trademarks, as identified in the counterclaims, in connection with Google's Adwords program, including the purchase of such trademarks by any American Blind competitor or by any Google advertiser or bidder other than American Blind.
5. Claims of trademark infringement or dilution made by any person or entity in which its was claimed or alleged that confusion had occurred or could occur as a consequence of Google's Adwords program.
6. Google's "Keyword Suggestion Tool" (now changed to Keyword Tool).
7. Any studies or analysis of any kind performed or considered by Google concerning "Sponsored Links", including without limitation any reports, studies, surveys or tests relating to consumer use, perceptions, mistake, confusion, behavior, purchasing of, or the financial ramifications of using, the term "Sponsored Links" or any other terms, such as "Paid Advertisement" and similar phrases, that were considered by Google in connection with its Adwords program.
8. Any agreement by Google not to sell any trademark(s) to bidders or potential bidders where such trademark(s) does not or would not appear in the ad text or description.
9. Any studies or analysis of any kind performed or considered by Google concerning consumer mistake or confusion arising from or relating to Google's Adwords program.
10. Any studies or analysis of any kind performed or considered by Google concerning consumer behavior, mistake or confusion arising from or relating to the sale,

1 purchase, display or other use of trademarks as keywords.

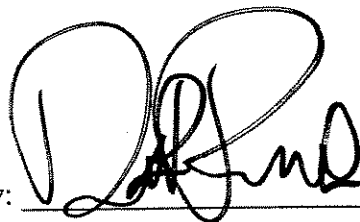
2 11. Any studies or analysis of any kind performed or considered by Google  
3 concerning the financial ramifications, including without limitation increased or decreased sales,  
4 income or profits, arising from or relating to the sale, purchase, display or other use of trademarks  
5 as keywords.

6 12. How Google's Adwords program works from a technical perspective, including  
7 what algorithmic factors are considered, how ads are ranked, how ads appear on the screen, how  
8 the bidding process operates, whether the highest bidder always appears at the top of the  
9 Sponsored Links and, if not, why not.

10 13. The relationship between Google and each of the other counter-defendants with  
11 regard to Google's Adwords program.

12 Dated: January 31, 2006

KELLEY DRYE & WARREN LLP

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15  
16 By: 

17 David A. Rammelt  
18 Susan J. Greenspon  
19 Dawn M. Beery  
20 KELLEY DRYE & WARREN LLP  
21 333 West Wacker Drive, Suite 2600  
22 Chicago, IL 60606  
23 Telephone: (312) 857-7070  
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25 Robert N. Phillips  
26 Ethan B. Andelman  
27 HOWREY SIMON ARNOLD & WHITE, LLP  
28 525 Market Street, Suite 3600  
San Francisco, CA 94105  
Telephone: (415) 848-4900  
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Attorneys for Defendant/Counter-Plaintiff  
AMERICAN BLIND AND WALLPAPER  
FACTORY, INC.

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9 Attorneys for Defendant/Counter-Plaintiff  
10 AMERICAN BLIND AND WALLPAPER  
FACTORY, INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 GOOGLE INC., a Delaware corporation,

14 Plaintiff,

15 v.

16 AMERICAN BLIND & WALLPAPER  
FACTORY, INC., a Delaware corporation  
17 d/b/a decoratetoday.com, Inc.; and DOES 1-  
18 100, inclusive,

19 Defendants.

20 AMERICAN BLIND & WALLPAPER  
FACTORY, INC., a Delaware corporation  
21 d/b/a decoratetoday.com, Inc.,

22 Counter-Plaintiff,

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24 GOOGLE, INC., AMERICA ONLINE, INC.,  
NETSCAPE COMMUNICATIONS  
25 CORPORATION, COMPUSERVE  
INTERACTIVE SERVICES, INC., ASK  
26 JEEVES, INC., and EARTHLINK, INC.

27 Counter-Defendants/  
Third-Party Defendants

Case No. C 03-5340-JF (RS)

**AMENDED NOTICE OF RULE 30(B)(6)  
DEPOSITION**

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PLEASE TAKE NOTICE THAT Defendant/Counter-Plaintiff AMERICAN BLIND AND WALLPAPER FACTORY, INC., ("American Blind") by its attorneys Kelley Drye & Warren LLP, pursuant to Federal Rule 30(b)(6), will take the deposition upon oral examination of the following individual(s):

**Name:** Person(s) most knowledgeable about the subject matters set forth in Exhibit A, attached hereto.

**Date:** 9:00 a.m., April 4, 2006, continuing day-to-day until completed.

**Place:** HOWREY SIMON ARNOLD & WHITE, LLP  
525 Market Street, Suite 3600  
San Francisco, CA 94105  
Telephone: (415) 848-4900

**Documents Requested:** Please see descriptions set forth in Exhibit A, attached hereto.

The deposition will be held before a Notary Public or before some other person authorized by law to administer oaths and will be recorded stenographically in accordance with Federal Rule 30.

All documents requested in connection herewith must be produced to the offices of Kelley Drye & Warren LLP, 333 West Wacker Drive, Suite 2600, Chicago, Illinois 60606, attention David Rammelt, seven (7) days prior to the deposition date.

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**EXHIBIT A: SUBJECT MATTER & DOCUMENT REQUESTS**

In connection with this deposition, to the extent not already produced in this litigation, please produce all documents that relate to each of the following 30(b)(6) subject matters. To the extent that any responsive documents already have been produced by Google, please identify such documents by Bates numbers. It is requested that responsive materials be produced seven (7) days prior to the deposition date.

**30 (b)(6) Subject Matters**

1. Google's e-mail and electronic data storage system, policies and operations.
2. The development, formulation, execution and operation of Google's present and former trademark policies relating to the display, bidding, sale, purchase or other use of keywords.
3. Google's relationship with American Blind & Wallpaper Factory.
4. The display, bidding, sale, purchase or other use (or claimed use) of American Blind's trademarks, as identified in the counterclaims, in connection with Google's Adwords program, including the purchase of such trademarks by any American Blind competitor or by any Google advertiser or bidder other than American Blind.
5. Claims of trademark infringement or dilution made by any person or entity in which its was claimed or alleged that confusion had occurred or could occur as a consequence of Google's Adwords program.
6. Google's "Keyword Suggestion Tool" (now changed to Keyword Tool).
7. Any studies or analysis of any kind performed or considered by Google concerning "Sponsored Links", including without limitation any reports, studies, surveys or tests relating to consumer use, perceptions, mistake, confusion, behavior, purchasing of, or the financial ramifications of using, the term "Sponsored Links" or any other terms, such as "Paid Advertisement" and similar phrases, that were considered by Google in connection with its



1 Adwords program.

2 8. Any agreement by Google not to sell any trademark(s) to bidders or potential  
3 bidders where such trademark(s) does not or would not appear in the ad text or description.

4 9. Any studies or analysis of any kind performed or considered by Google  
5 concerning consumer mistake or confusion arising from or relating to Google's Adwords  
6 program.

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9 purchase, display or other use of trademarks as keywords.

10 11. Any studies or analysis of any kind performed or considered by Google  
11 concerning the financial ramifications, including without limitation increased or decreased sales,  
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19 regard to Google's Adwords program.

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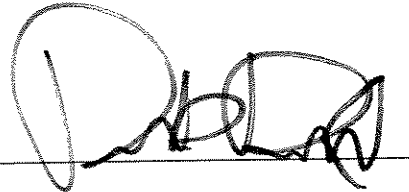
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Dated: February 14, 2006

KELLEY DRYE & WARREN LLP



By: \_\_\_\_\_

David A. Rammelt  
Susan J. Greenspon  
Dawn M. Beery  
KELLEY DRYE & WARREN LLP  
333 West Wacker Drive, Suite 2600  
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