

Exhibit E

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

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 GOOGLE INC., a Delaware corporation,
16 Plaintiff,

17 v.

18 AMERICAN BLIND AND WALLPAPER
FACTORY, INC., a Delaware corporation
19 d/b/a decoratetoday.com, Inc.; and DOES
20 1-100, inclusive,

21 Defendants.

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

24 Counterclaimant,

25 v.

26 GOOGLE INC.,
Counterdefendants

CASE NO. C 03-5340-JF (EAI)

**AMERICAN BLIND & WALLPAPER
FACTORY, INC.'S RESPONSES TO
GOOGLE INC.'S SECOND SET OF
REQUESTS FOR ADMISSION**

1 PROPOUNDING PARTY: PLAINTIFF GOOGLE INC.

2 RESPONDING PARTY: DEFENDANT/COUNTER-PLAINTIFF AMERICAN BLIND &
3 WALLPAPER FACTORY, INC.

4 SET NUMBER: TWO

5 Defendant/Counter-Plaintiff American Blind & Wallpaper Factory, Inc.

6 (“American Blind”) hereby answers Plaintiff Google Inc.’s (“Google”) Second Set Of Requests
7 For Admission To American Blind & Wallpaper Factory, Inc. as follows:

8 **REQUEST FOR ADMISSION NO. 1:**

9 Admit that AMERICAN BLIND has produced to Google all non-privileged
10 documents in its possession, custody, or control constituting or referring to any communications
11 or analysis of the names or trademarks it uses or has considered using in communications with
12 customers or potential customers or potential customers (including but not limited to
13 advertisements and information on AMERICAN BLIND’s website(s)) to refer to AMERICAN
14 BLIND’s retail business.

15 **RESPONSE:** Denied. Answering further, American Blind objects to this request
16 for admission as premature. American Blind is its in the process of compiling additional
17 documents for production to Google the week of June 12, 2006. American Blind further objects
18 to this request because it is vague, ambiguous, overly broad and unduly burdensome, and not
19 reasonably calculated to lead to the discovery or admissible evidence. Literally interpreted, a
20 request for “any communications ... of the names ... it uses ... in communications with
21 customers” would call for the production of every document sent to a customer or potential
22 customers since all, or virtually all, such communications would include the company logo and
23 name. Such a request is either indecipherable or so broad as to be absurd.

24 **REQUEST FOR ADMISSION NO. 2:**

25 Admit that, apart from any expert opinion(s) commissioned or prepared for the
26 purpose of this litigation, American Blind has never commissioned or performed any studies or
27 surveys of consumer perception or consumer recognition of the AMERICAN BLIND MARKS.
28

RESPONSE: Denied.

Dated: June 9, 2006

KELLEY DRYE & WARREN LLP

By: 

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Plaintiff AMERICAN BLIND
AND WALLPAPER FACTORY,
INC.

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PROOF OF SERVICE

I am a citizen of the United States and a resident of the State of Illinois. I am employed in Cook County, State of Illinois, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action, My business address is 333 W. Wacker Drive, Suite 2600, Chicago, IL 60606. On the date set forth below, I served the document(s) described below in the manner described below:

AMERICAN BLIND AND WALLPAPER FACTORY, INC.'S RESPONSE TO PLAINTIFF GOOGLE INC.'S SECOND SET OF REQUESTS FOR ADMISSION

VIA FACSIMILE and U.S. MAIL

Michael H. Page
Mark A. Lemley
Klaus H. Hamm
Ajay S. Krishnan
Keker & Van Nest, LLP
710 Sansome Street
San Francisco, CA 94111

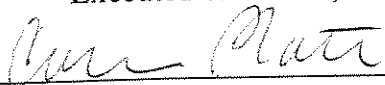
XX (BY FACSIMILE) I am personally and readily familiar with the business practice of Kelley Drye & Warren, LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.

(BY FEDERAL EXPRESS) I am personally and readily familiar with the business practice of Kelley Drye & Warren, LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.

(BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.

XX (BY U.S. MAIL) I am personally and readily familiar with the business practice of Kelley Drye & Warren, LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Chicago, Illinois.

Executed on June 9, 2006, at Chicago, Illinois.



Caroline C. Plater

(F)

** JOB STATUS REPORT

AS OF JUN 09 2006 12:05 PM PAGE. 01

JOB #730

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001	6/09 12:04P	144050027914153977188	EC--S	01' 22"	005	OK L1

KELLEY
DRYE

FACSIMILE TRANSMISSION

TO Michael H. Page
Mark A. Lemley
Klaus H. Hamm
Ajay S. Krishnan

FIRM Kecker & Van Nest LLP

CITY

FAX (415) 397-7188

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NO. OF PAGES 5 (including this page)

DATE June 9, 2006

KELLEY DRYE & WARREN LLP
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CHICAGO, ILLINOIS 60606
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MESSAGE: Please see attached.

FROM Caroline C. Plater

PHONE (312) 857-2501

E-MAIL cplater@kelleydrye.com

TIMEKEEPER ID 03971

CLIENT NO. 014405.0027

NEW YORK, NY
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TYSONS CORNER, VA
CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ
BRUSSELS

AFFILIATE OFFICES
JAKARTA
MUMBAI

IF PROBLEMS OCCUR DURING TRANSMISSION PLEASE CALL (312) 857-7070.

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