

Exhibit D

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5 David A. Rammelt (Admitted *Pro Hac Vice*)
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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,
14 Plaintiff,

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

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.

EXHIBIT A

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

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

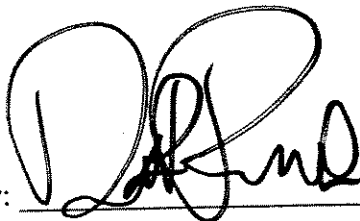
2 11. Any studies or analysis of any kind performed or considered by Google
3 concerning the financial ramifications, including without limitation increased or decreased sales,
4 income or profits, arising from or relating to the sale, purchase, display or other use of trademarks
5 as keywords.

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

13
14
15 By: 

16
17 David A. Rammelt
Susan J. Greenspon
Dawn M. Beery
18 KELLEY DRYE & WARREN LLP
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25 Attorneys for Defendant/Counter-Plaintiff
26 AMERICAN BLIND AND WALLPAPER
27 FACTORY, INC.
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14 Plaintiff,

15 v.

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FACTORY, INC., a Delaware corporation
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27 Counter-Defendants/
Third-Party Defendants
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Case No. C 03-5340-JF (RS)

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

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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.

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.

7 10. Any studies or analysis of any kind performed or considered by Google
8 concerning consumer behavior, mistake or confusion arising from or relating to the sale,
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,
12 income or profits, arising from or relating to the sale, purchase, display or other use of trademarks
13 as keywords.

14 12. How Google's Adwords program works from a technical perspective, including
15 what algorithmic factors are considered, how ads are ranked, how ads appear on the screen, how
16 the bidding process operates, whether the highest bidder always appears at the top of the
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19 regard to Google's Adwords program.

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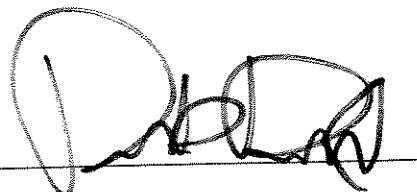
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Dated: February 14, 2006

KELLEY DRYE & WARREN LLP



By: _____

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FACTORY, INC.