

## **Exhibit B**

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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-  
100, inclusive,  
18 Defendants.

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

21 Counter-Plaintiff,

22 v.

23 GOOGLE, INC.,  
24 Counter-Defendants.

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

**AMERICAN BLIND AND WALLPAPER  
FACTORY INC.'S FIRST SET OF  
REQUESTS FOR ADMISSION TO  
GOOGLE INC.**

1 PROPOUNDING PARTY: Defendant/Counter-Plaintiff American Blind and Wallpaper  
2 Factory, Inc.

3 RESPONDING PARTY: Plaintiff/Counter-Defendant Google Inc.

4 SET NO.: One

5 Pursuant to Fed. R. Civ. P. 36, defendant/counter-plaintiff American Blind and  
6 Wallpaper Factory, Inc. ("American Blind") serves the following request for admissions on  
7 plaintiff Google Inc. ("Google"). The written responses to the requests shall be served within  
8 thirty (30) days of service.  
9

10 **I. DEFINITIONS**

11 A. The terms "you," "your," and "Google" refer to Google Inc., its  
12 predecessors, its present and former officers, directors, employees, agents, attorneys,  
13 representatives, and other person(s) acting on its behalf.

14 B. The term "American Blind" refers to American Blind and Wallpaper  
15 Factory, Inc., its predecessors, its present and former officers, directors, employees, agents,  
16 attorneys, representatives, and other person(s) acting on its behalf.

17 C. The term "document" is synonymous with the definition used in Rule 34 of  
18 the Federal Rules of Civil Procedure, and shall mean each original writing and each non-identical  
19 copy thereof (whether different from the original because of any notes or otherwise) of any nature  
20 whatsoever, including all drafts thereof, in your possession, custody, or control regardless of  
21 where located and includes, but is not limited to, each letter, memorandum, communication,  
22 report, study, photograph, drawing, plan, graph, chart, data compilation of every kind, computer  
23 printout, digital recording, electronic record, summary, minute, financial statement, accounting  
24 ledger, accounting journal, accounting sheet, contract, agreement, purchase order, invoice, work  
25 sheet, diary, calendar, notice, announcement, instruction, statement, schedule, check, negotiable  
26 draft, check stub, voucher, bank statement, receipt, list, telegram, telex, teletype, telecopy, wire  
27 funds transfer application, file label, file folder or envelope, file divider, or any other means or  
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1 methods of recording, transcribing, disclosing, or producing any information.

2 D. The phrase "relating to" includes concerning, alluding to, responding to,  
3 relating to, connected with, commenting on, in respect of, about, regarding, discussing, showing,  
4 describing, mentioning, reflecting, analyzing, touching upon, constituting and being. A document  
5 may "concern" a certain person or subject without that person or subject being the sole, or even  
6 the most significant topic of that document.

7 E. The singular shall include the plural, and the past tense shall include the  
8 present tense, and vice versa.

9 F. The words "and" and "or" shall be both conjunctive and disjunctive.

10 G. The word "all" shall mean "any and all."

11 H. The word "any" shall mean "any and all."

12 I. The word "including" shall mean "including without limitation."

13 J. "AdWords Program" shall mean the advertising program described by  
14 Google at the Website [adwords.google.com](http://adwords.google.com).

15 L. "Keyword" or "Keywords" shall have the same meaning as the terms  
16 "keyword" or "search query" used by Google as part of its AdWords Program.

17 M. The "American Blind Marks" shall include any one of, and all of, the terms  
18 American Blind and Wallpaper Factory, American Blind Factory, American Blind, American  
19 Blinds, Decoratetoday, decoratetoday, and/or decoratetoday.com.

20 N. "Trademark" or "trademarks" shall also include service marks and trade  
21 names.

## 22 II. INSTRUCTIONS

23 In addition to the specific instructions enumerated below, the instructions set forth in Fed.  
24 R. Civ. P. 36 are incorporated herein by reference.

25 1. In answering this request for admission, you must (a) admit the matter, (b)  
26 specifically deny the matter, or (c) set forth the legal objection which supports why you cannot  
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1 truthfully admit or deny the matter.

2 2. If, after a reasonable and thorough investigation exercising due diligence, you are  
3 unable to answer any part of this request for admission because of a lack of available information,  
4 specify in full and complete detail the type of information which is claimed to be unavailable and  
5 what has been done to locate that information. In addition, specify what knowledge or belief you  
6 have concerning the unanswered portion of the request for admission, set forth the facts upon  
7 which such knowledge or belief is based, and identify the person who has, or is likely to have, the  
8 information which is claimed to be unavailable.  
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10 3. If, in answering this request, you claim that the request, or a definition or  
11 instruction applicable thereto, is ambiguous, do not use such claim as a basis for refusing to  
12 respond, but rather set forth as part of the response the language you claim is ambiguous and the  
13 interpretation you have used to respond to the request.  
14

15 4. If, in answering these requests, you object to any part of the request, each part of  
16 the request shall be treated separately. If an objection is made to one subpart, the remaining  
17 subpart(s) shall be answered. If an objection is made on the basis that the request or subpart  
18 thereof calls for information which is beyond the scope of discovery, the request or subpart  
19 thereof shall be answered to the extent that it is not objectionable.  
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### 21 REQUEST FOR ADMISSIONS

22 Request No. 1: Admit that Google has produced all settlement agreements confidential  
23 or otherwise between Google and any third party(s) regarding any claims arising out of Google's  
24 sale of keywords as part of its AdWords Program and/or any claims that allege that Google has  
25 engaged in trademark infringement, including but not limited to those arising as a result of  
26 Google's sale of keywords as part of its AdWords Program.  
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### 28 Response:

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**Request No. 2:** Admit that Google has produced to American Blind all responsive, non-privileged documents requested in American Blind's First Set of Requests for Production of Documents and Things from Google.

**Response:**

**Request No. 3:** Admit that, as of the date of answering this request, Google continues to sell keywords as part of its AdWords Program that incorporate the American Blind Marks.

**Response:**

Dated: June 28, 2006

KELLEY DRYE & WARREN LLP

By: 

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AMERICAN BLIND AND WALLPAPER  
FACTORY, INC.

**PROOF OF SERVICE**

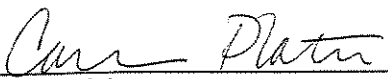
I am a citizen of the United States and a resident of the State of Illinois. I am employed in Cook County, State of Illinois, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action, My business 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:

**NOTICE OF DEPOSITION AND DOCUMENT REQUESTS**

**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.

Michael H. Page  
Klaus H. Hamm  
Ajay S. Krishnan  
Keker & Van Nest, LLP  
710 Sansome Street  
San Francisco, CA 94111  
Facsimile: (415) 397-7188

Executed on June 28, 2006, at Chicago, Illinois. I declare under penalty of perjury under the applicable laws that the above is true and correct.

  
\_\_\_\_\_  
Caroline C. Plater