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 7 GOOGLE INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 GOOGLE INC., a Delaware corporation,
 12 Plaintiff,
 13 v.
 14 AMERICAN BLIND & WALLPAPER
 FACTORY, INC., a Delaware corporation
 15 d/b/a decoratetoday.com, Inc., and DOES 1-
 100, inclusive,
 16 Defendants.

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

**GOOGLE INC.'S OPPOSITION TO
 AMERICAN BLIND & WALLPAPER
 FACTORY, INC.'S MOTION FOR
 ORDER SHORTENING TIME FOR
 BRIEFING AND HEARING ON ITS
 MOTION TO COMPEL GOOGLE TO
 RESPOND TO DISCOVERY**

Date:
 Time:
 Dept: 4
 Judge: Hon. Richard Seeborg

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

Date Comp. Filed: November 26, 2003

Trial Date: May 15, 2007

21 v.
 22 GOOGLE INC., AMERICA ONLINE, INC.,
 NETSCAPE COMMUNICATIONS
 23 CORPORATION, COMPUSERVE
 INTERACTIVE SERVICES, INC., ASK
 24 JEEVES, INC. and EARTHLINK, INC.,
 25 Counter Defendant/
 26 Third-Party Defendants.

1 Google opposes American Blind's motion to shorten time on its motion to compel for the
2 same reason this Court has previously denied a similar motion in this litigation. American Blind
3 seeks to shorten time because of the August 26, 2006 discovery cut-off, which is forty days
4 away. Local Rule 26-2 states that motions to compel fact discovery can be filed as late as seven
5 days after the discovery cut-off. There is therefore no reason why this motion cannot be heard as
6 a normally noticed motion.

7 Roughly one month ago, this Court denied a very similar motion to shorten time on a
8 motion to compel. At the time, the discovery cut-off was June 26, 2006. On June 8, 2006,
9 Google filed a motion to shorten time on its motion to compel American Blind to (1) produce
10 documents, (2) produce an affidavit detailing its document collection efforts, and (3) schedule
11 depositions. On June 12, 2006, this Court ruled:

12 The basis of the request for shortened time is the pending discovery cut-off.
13 Pursuant to Civil Local Rule 26-2, however, motions to compel as to outstanding
14 discovery requests are timely if filed up to seven days after the discovery cut-off.
If the underlying motion remains necessary, Plaintiff shall re-notice it pursuant to
the ordinary timing rules.

15 Order Denying Motion for Order Shortening Time at 1.

16 American Blind now cites the very same basis for shortening time that this Court has
17 already rejected. American Blind should therefore be required to follow the normal schedule for
18 noticed motions.

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20 Dated: July 17, 2006

KEKER & VAN NEST, LLP

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23 By: /s/ Ajay S. Krishnan
24 AJAY S. KRISHNAN
25 Attorneys for Plaintiff and Counter Defendant
26 GOOGLE INC.
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