

EXHIBIT M

1 Robert N. Phillips (SBN 120970)
Ethan B. Andelman (SBN 209101)
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5 David A. Rammelt (Admitted *Pro Hac Vice*)
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Telephone: (312) 857-7070
8 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,

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)

**NOTICE OF DEPOSITION OF
BISMARCK LEPE**

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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, will take the deposition upon oral examination of Bismark Lepe, on August 24, 2006, at 9:00 a.m., continuing day-to-day until completed, at the offices of HOWREY SIMON ARNOLD & WHITE, LLP, 525 Market Street, Suite 3600, San Francisco, CA 94105, (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.

Dated: August 7, 2006

KELLEY DRYE & WARREN LLP

By: 

David A. Rammelt
Susan J. Greenspon
KELLEY DRYE & WARREN LLP
333 West Wacker Drive, Suite 2600
Chicago, IL 60606
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Attorneys for Defendant/Counter-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:

NOTICE OF DEPOSITION OF BISMARCK LEPE

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 August 7, 2006, at Chicago, Illinois. I declare under penalty of perjury under the applicable laws that the above is true and correct.



Caroline C. Plater

EXHIBIT N

1 Robert N. Phillips (SBN 120970)
Ethan B. Andelman (SBN 209101)
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Susan J. Greenspon (Admitted *Pro Hac Vice*)
6 KELLEY DRYE & WARREN LLP
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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-
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)

**NOTICE OF DEPOSITION OF
LASHIKA SAMARASINGHE**

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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, will take the deposition upon oral examination of Leshika Samarasinghe, on August 25, 2006, at 9:00 a.m., continuing day-to-day until completed, at the offices of HOWREY SIMON ARNOLD & WHITE, LLP, 525 Market Street, Suite 3600, San Francisco, CA 94105, (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.

Dated: August 7, 2006

KELLEY DRYE & WARREN LLP

By: 

David A. Rammelt
Susan J. Greenspon
KELLEY DRYE & WARREN LLP
333 West Wacker Drive, Suite 2600
Chicago, IL 60606
Telephone: (312) 857-7070
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Robert N. Phillips
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HOWREY SIMON ARNOLD & WHITE, LLP
525 Market Street, Suite 3600
San Francisco, CA 94105
Telephone: (415) 848-4900
Facsimile: (415) 848-4999

Attorneys for Defendant/Counter-Plaintiff
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 OF LESHIKA SAMARASINGHE

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 August 7, 2006, at Chicago, Illinois. I declare under penalty of perjury under the applicable laws that the above is true and correct.



Caroline C. Plater

EXHIBIT O

1 Robert N. Phillips (SBN 120970)
Ethan B. Andelman (SBN 209101)
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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-
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)

NOTICE OF DEPOSITION OF
SALAR KAMANGAR

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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, will take the deposition upon oral examination of Salar Kamangar, on August 25, 2006, at 9:00 a.m., continuing day-to-day until completed, at the offices of HOWREY SIMON ARNOLD & WHITE, LLP, 525 Market Street, Suite 3600, San Francisco, CA 94105, (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.

Dated: August 8, 2006

KELLEY DRYE & WARREN LLP

By: *David Rammelt /std*

David A. Rammelt
Susan J. Greenspon
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Chicago, IL 60606
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Attorneys for Defendant/Counter-Plaintiff
AMERICAN BLIND AND WALLPAPER
FACTORY, INC.

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PROOF OF SERVICE

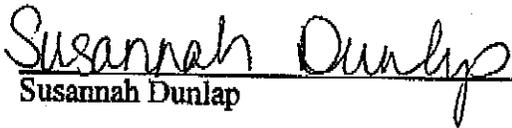
I am a citizen of the United States and a resident of the State of Illinois. I am employed in Cook County, State of Illinois, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action, my business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

NOTICE OF DEPOSITION OF SALAR KAMANGAR

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 August 8, 2006, at Chicago, Illinois. I declare under penalty of perjury under the applicable laws that the above is true and correct.



Susannah Dunlap

EXHIBIT P

1 Robert N. Phillips (SBN 120970)
Ethan B. Andelman (SBN 209101)
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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
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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,

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
28

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

**AMENDED NOTICE OF DEPOSITION
AND DOCUMENT REQUESTS**

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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, will take the deposition upon oral examination of Prashant Fuloria, on May 18, 2006, at 9:00 a.m., continuing day-to-day until completed, at the offices of HOWREY SIMON ARNOLD & WHITE, LLP, 525 Market Street, Suite 3600, San Francisco, CA 94105, (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.

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.

Document Requests

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3 1. All documents relating to modifications, including any analysis, consideration or
4 contemplation of modifications, to Google's trademark policy on or about 2004, including
5 without limitation all documents generated in connection with, further to, or that reflect any ad
6 hoc team(s) assembled to analyze or consider Google's trademark policies.

7 2. All documents concerning user surveys or experiments conducted by Google or at its
8 direction that relate, either directly or indirectly, to user confusion in connection with Google's
9 search engine or AdWords program.

10 3. All documents that relate to any changes to Google's "Keyword Suggestion Tool",
11 including the name change to "Keyword Tool".

12 4. All documents relating to the financial impact of any modification to Google's trademark
13 policy, including without limitation any analysis performed by Google or at its direction relating
14 to revenues, profits, return on investment (ROI), or any other financial matter or issue pertaining
15 to Google or Google's customers in connection with the modification, or proposed modification,
16 to Google's trademark policy on or about 2004.

17 5. All documents relating to any analysis performed by Google or at its direction relating to
18 the blocking or disapproval of Keywords by potential advertisers because such Keywords
19 constituted, or were alleged to constitute, trademarks.

20 6. All documents that relate to the number of terms that Google had reason to believe were
21 trademarks that were for this reason blocked or disapproved for use as Keywords in connection
22 with the AdWords advertising program for each year from 2000 to the present.

23 7. All documents that relate to the policy reasons concerning Google's trademark policy in
24 effect until it was modified in or about 2004.

25 8. All documents relating to the list of terms being "monitored" by Google for trademark
26 reasons for each year from 2000 to the present.

27 9. All documents relating to the public announcement by Google of the modification to its
28 trademark policy on our about 2004, including communications with customers or partners, such
as eBay, or the media concerning the modification to Google's trademark policy on or about
April 2004.

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Dated: April 26, 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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Facsimile: (415) 848-4999

Attorneys for Defendant/Counter-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:

AMENDED 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 April 26, 2006, at Chicago, Illinois. I declare under penalty of perjury under the applicable laws that the above is true and correct.



Caroline C. Plater

EXHIBIT Q

MANUAL FILING NOTIFICATION

Regarding Exhibit Q to the DECLARATION OF KLAUS H. HAMM IN SUPPORT OF GOOGLE'S OPPOSITION TO AMERICAN BLIND & WALLPAPER FACTORY, INC.'S MOTION TO COMPEL GOOGLE TO RESPOND TO DISCOVERY TIMELY SERVED GIVEN THE CURRENT CUTOFF DATE OF AUGUST 26, 2006.

This filing is in paper form only, and is being maintained in the case file in the Clerk's office. If you are a participant in this case, this filing will be served in hard-copy shortly.

This document was not electronically filed because it is under seal.

EXHIBIT R

1 Robert N. Phillips (SBN 120970)
Ethan B. Andelman (SBN 209101)
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Susan J. Greenspon (Admitted *Pro Hac Vice*)
6 Dawn M. Beery (Admitted *Pro Hac Vice*)
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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

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**

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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.
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RESPONSE: Denied.

Dated: June 9, 2006

KELLEY DRYE & WARREN LLP

By: 

David A. Ramsdell
Susan J. Greenspon
Dawn M. Beery
KELLEY DRYE & WARREN LLP
333 West Wacker Drive, Suite 2600
Chicago, IL 60606

Robert N. Phillips
Ethan B. Andelman
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Telephone: (415) 848-4900
Facsimile: (415) 848-4999

Attorneys for Defendant/Counter-
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

EXHIBIT S

1 Robert N. Phillips (SBN 120970)
Ethan B. Andelman (SBN 209101)
2 HOWREY SIMON ARNOLD & WHITE, LLP
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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
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

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

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

17 v.

**AMERICAN BLIND & WALLPAPER
FACTORY, INC.'S RESPONSES TO
GOOGLE INC.'S SECOND SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS**

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

20 Defendants.

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

23 Counterclaimant,

24 v.

25 GOOGLE INC.,
26 Counterdefendants.

27
28

1 NOW COMES Defendant/Counter-Plaintiff, AMERICAN BLIND &
2 WALLPAPER FACTORY, INC., by and through its attorneys, KELLEY DRYE & WARREN
3 LLP, and in response to Plaintiff's Second Set of Requests for Production of Documents and
4 Things, states as follows:

5 **REQUEST FOR PRODUCTION NO. 1:**

6 All DOCUMENTS RELATING TO analysis or quantification of internet traffic to
7 any AMERICAN BLIND DOMAIN NAME.

8
9 **RESPONSE:** American Blind objects to this request because it is vague, over
10 broad, and not reasonably calculated to lead to the discovery of relevant or admissible evidence.
11 American Blind also objects to this request to the extent that it calls for the production of
12 documents protected by the attorney client privilege or the attorney work product doctrine.
13 Subject to and without waiving these objections, American Blind states that it has produced and
14 will produce responsive documents in its possession regarding the analysis or quantification of
15 internet traffic to any American Blind Domain Name.
16

17
18 **REQUEST FOR PRODUCTION NO. 2:**

19 All DOCUMENTS RELATING TO strategies and/or methods for increasing
20 internet traffic to any AMERICAN BLIND WEBSITE.

21 **RESPONSE:** American Blind objects to this request because it is vague, over
22 broad and not reasonably calculated to lead to the discovery of relevant or admissible evidence.
23 American Blind also objects to this request to the extent that it calls for the production of
24 documents protected by the attorney client privilege or the attorney work product doctrine.
25 Subject to and without waiving these objections, American Blind states that it will produce any
26 responsive documents in its possession regarding strategies and/or methods for increasing internet
27 traffic to any American Blind Website.
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REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO strategies and/or methods for advertising with search engines.

RESPONSE: American Blind objects to this request because it is vague, over broad and not reasonably calculated to lead to the discovery of relevant or admissible evidence. American Blind also objects to this request to the extent that it calls for the production of documents protected by the attorney client privilege or the attorney work product doctrine. Subject to and without waiving these objections, American Blind states that it will produce any responsive documents in its possession regarding strategies and/or methods for advertising with search engines.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO AMERICAN BLIND's valuation of internet traffic to any AMERICAN BLIND WEBSITE, including but not limited AMERICAN BLIND's valuation of CLICKS.

RESPONSE: American Blind objects to this request because it is over broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant or admissible evidence. American Blind also objects to this request to the extent that it calls for the production of documents protected by the attorney client privilege or the attorney work product doctrine. Subject to and without waiving these objections, American Blind states that it will produce any responsive documents in its possession regarding valuation of internet traffic to any of its websites.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATING TO each and every instance where AMERICAN BLIND has set its maximum cost-per-click for each DISPUTED KEYWORD in GOOGLE's AdWords program.

RESPONSE: American Blind objects to this request because it is over broad,

1 unduly burdensome and not reasonably calculated to lead to the discovery of relevant or
2 admissible evidence. American Blind also objects to this request to the extent that it calls for the
3 production of documents protected by the attorney client privilege or the attorney work product
4 doctrine. Subject to and without waiving these objections, American Blind states that it has
5 produced and will produce responsive documents in its possession regarding American Blind's
6 maximum cost-per-click for each disputed keyword in Google's AdWords program.

7 **REQUEST FOR PRODUCTION NO. 6:**

8 All DOCUMENTS RELATING TO each and every instance where AMERICAN
9 BLIND has set its maximum cost-per-click for each DISPUTED KEYWORD in any Internet
10 search engine advertising program.

11 **RESPONSE:** American Blind objects to this request because it is over broad,
12 unduly burdensome and not reasonably calculated to lead to the discovery of relevant or
13 admissible evidence. American Blind also objects to this request to the extent that it calls for the
14 production of documents protected by the attorney client privilege or the attorney work product
15 doctrine. Subject to and without waiving these objections, American Blind states that it will
16 produce any responsive documents in its possession regarding American Blind's maximum cost-
17 per-click for each disputed keyword in any internet search engine advertising program.

18 **REQUEST FOR PRODUCTION NO. 7:**

19 All DOCUMENTS RELATING TO each and every instance where AMERICAN
20 BLIND has set its maximum daily budget for each of its advertising campaigns in GOOGLE's
21 AdWords program that include any DISPUTED KEYWORD.

22 **RESPONSE:** American Blind objects to this request because it is over broad,
23 unduly burdensome and not reasonably calculated to lead to the discovery of relevant or
24 admissible evidence. American Blind also objects to this request to the extent that it calls for the
25 production of documents protected by the attorney client privilege or the attorney work product
26 doctrine. Subject to and without waiving these objections, American Blind states that it will
27 produce any responsive documents in its possession regarding American Blind's maximum daily
28

1 budget for each of its advertising campaigns in Google's AdWords program that include any
2 disputed keyword.

3 **REQUEST FOR PRODUCTION NO. 8:**

4 All DOCUMENTS RELATING TO AMERICAN BLIND's expenditures on
5 developing and maintaining each AMERICAN BLIND WEBSITE.

6 **RESPONSE:** American Blind objects to this request because it is vague, over
7 broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant or
8 admissible evidence. American Blind also objects to this request to the extent that it calls for the
9 production of documents protected by the attorney client privilege or the attorney work product
10 doctrine. Subject to and without waiving these objections, American Blind states that it has
11 produced and will produce responsive documents in its possession regarding American Blind's
12 expenditures on developing and maintaining its websites.

13 **REQUEST FOR PRODUCTION NO. 9:**

14 All DOCUMENTS RELATING TO AMERICAN BLIND's return on investment
15 for search engine advertising, including but not limited to advertising with GOOGLE.

16 **RESPONSE:** American Blind objects to this request because it is over broad,
17 unduly burdensome and not reasonably calculated to lead to the discovery of relevant or
18 admissible evidence. American Blind also objects to this request to the extent that it calls for the
19 production of documents protected by the attorney client privilege or the attorney work product
20 doctrine. Subject to and without waiving these objections, American Blind states that it will
21 produce any responsive documents in its possession regarding American Blind's return on
22 investment for search engine advertising, including but not limited to advertising with Google.

23 **REQUEST FOR PRODUCTION NO. 10:**

24 All DOCUMENTS RELATING TO AMERICAN BLIND's use of the marks
25 "American Blind" or "American Blinds," as STAND-ALONE MARKS, in connection with
26 AMERICAN BLIND's sale of products or services.
27
28

1 **RESPONSE:** American Blind objects to this request because it is vague, over
2 broad, and not reasonably calculated to lead to the discovery of relevant or admissible evidence.
3 American Blind also objects to this request to the extent that it calls for the production of
4 documents protected by the attorney client privilege or the attorney work product doctrine.
5 Subject to and without waiving these objections, American Blind states that it has produced all
6 responsive documents to this request.

7 **REQUEST FOR PRODUCTION NO. 11:**

8 All DOCUMENTS RELATING TO AMERICAN BLIND's decisions to use
9 www.decoratetoday.com as the destination to which most, if not all, AMERICAN BLIND
10 WEBSITES refer visitors.

11 **RESPONSE:** American Blind objects to this request because it is vague, over
12 broad, and not reasonably calculated to lead to the discovery of relevant or admissible evidence.
13 American Blind also objects to this request to the extent that it calls for the production of
14 documents protected by the attorney client privilege or the attorney work product doctrine.
15 Subject to and without waiving these objections, American Blind states that it has produced and
16 will produce responsive documents in it possession to this request.

17 **REQUEST FOR PRODUCTION NO. 12:**

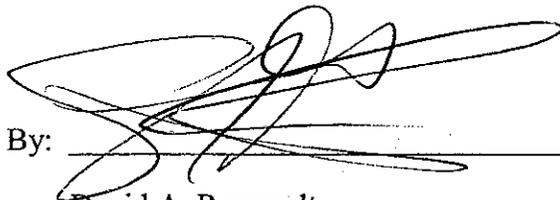
18 All DOCUMENTS RELATING TO AMERICAN BLIND's decision to use the
19 phrase "American Blinds, Wallpaper & More" to refer to AMERICAN BLIND on the cover of
20 some, if not all, of AMERICAN BLIND's customer catalogs.

21 **RESPONSE:** American Blind objects to this request because it is over broad,
22 unduly burdensome and not reasonably calculated to lead to the discovery of relevant or
23 admissible evidence. American Blind also objects to this request to the extent that it calls for the
24 production of documents protected by the attorney client privilege or the attorney work product
25 doctrine. Subject to and without waiving these objections, American Blind states that it has
26 produced and will produce responsive documents in its possession regarding American Blind's
27 decision to use the phrase "American Blinds, Wallpaper & More" to refer to American Blind on
28

1 the cover of some, if not all, of American Blind's customer catalogs; see also, American Blind's
2 Answer to Google's Second Set of Interrogatories, Interrogatory No.1.

3
4 Dated: June 19, 2006

KELLEY DRYE & WARREN LLP

5
6 By: 

7 David A. Rammelt
8 Susan J. Greenspon
9 KELLEY DRYE & WARREN LLP
333 West Wacker Drive, Suite 2600
Chicago, IL 60606

10 Robert N. Phillips
11 Ethan B. Andelman
12 HOWREY SIMON ARNOLD &
13 WHITE, LLP
525 Market Street, Suite 3600
San Francisco, CA 94105
Telephone: (415) 848-4900
Facsimile: (415) 848-4999

14 Attorneys for Defendant/Counter-
15 Plaintiff AMERICAN BLIND
16 AND WALLPAPER FACTORY,
17 INC.

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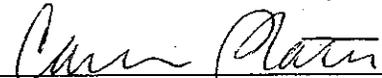
PROOF OF SERVICE

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 RESPONSES TO PLAINTIFF GOOGLE INC.'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS 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 19, 2006, at Chicago, Illinois.



Caroline C. Plater

EXHIBIT T

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

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
1-100, inclusive,

20 Defendants.
21

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

23 Counterclaimant,
24

25 v.

26 GOOGLE INC.,

Counterdefendants.
27
28

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

**AMERICAN BLIND & WALLPAPER
FACTORY, INC.'S ANSWER TO
GOOGLE INC.'S SECOND SET OF
INTERROGATORIES**

1 NOW COMES Defendant/Counter-Plaintiff, AMERICAN BLIND &
2 WALLPAPER FACTORY, INC., by and through its attorneys, KELLEY DRYE & WARREN
3 LLP, and in response to Plaintiff's Interrogatories, states as follows:

4 **INTERROGATORY NO. 1:**

5 For each name that AMERICAN BLIND has used, in communications with
6 customers and/or potential customers, to refer to its retail business, STATE the name that was
7 used, the dates the AMERICAN BLIND began and ceased using the name, and the reasons for
8 adopting and ceasing to use each name.

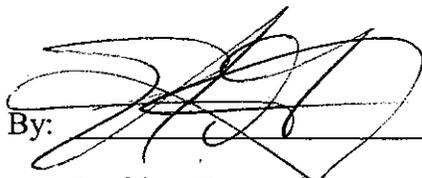
9 **ANSWER:** American Blind objects to this interrogatory because it is over
10 broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant or
11 admissible evidence. American Blind also objects to this request to the extent that it calls for the
12 production of documents protected by the attorney client privilege or the attorney work product
13 doctrine. Subject to and without waiving these objections, American Blind states that the name
14 changes that American Blind has undergone reflect the changes in the products being sold by
15 American Blind at any given time and changes in the marketplace in general. By way of
16 example, as the company expanded from selling window treatments to selling wall coverings and
17 window treatments, the name was changed from "American Blind" to "American Blind and
18 Wallpaper Factory." When the company decided to expand its product offerings to include light
19 fixtures, pictures and throw rugs, the company changed its name to "American Blind &
20 Wallpaper & More." During the late 1990's, the company changed its corporate name to
21 "decoratetoday.com" to include additional products and services then being offered by the
22 Company and to evidence its strong internet presence. It was subsequently determined that
23 customers identified with the "American Blind" names too strongly to fully cross over to the
24 "decoratetoday.com" brand name as the sole brand name. As a result, the name was changed
25 back to "American Blind, Wallpaper & More" to incorporate the "American Blind" names while
26 signifying that the company sold more than window treatments and wall coverings. American
27 Blind refers to documents Bates range ABWF 003054-003772 for a complete list of all the names
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under which American Blind has done business, including corporate minutes regarding name changes, corporate name change information and assumed name filings.

Dated: June 19, 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
Chicago, IL 60606

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

Attorneys for Defendant/Counter-
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 ANSWER TO PLAINTIFF
GOOGLE INC.'S SECOND SET OF INTERROGATORIES
VIA FACSIMILE and U.S. MAIL**

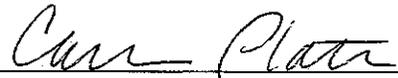
Michael H. Page
Mark A. Lemley
Klaus H. Hamm
Ajay S. Krishnan
Keker & Van Nest, LLP
710 Sansome Street
San Francisco, CA 94111

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 19, 2006, at Chicago, Illinois.



Caroline C. Plater

EXHIBIT U

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
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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,

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
28

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

**AMERICAN BLIND & WALLPAPER
FACTORY, INC.'S INITIAL
DISCLOSURES PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 26**

1 Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant/Counter-Plaintiff
2 American Blind & Wallpaper Factory, Inc. ("American Blind") hereby makes the following Initial
3 Disclosures as follows:

4 **GENERAL OBJECTIONS**

5
6 1. The following disclosures are based upon information reasonably available to, and currently
7 in the possession, custody or control of, American Blind. To the best of American Blind's knowledge,
8 information and belief, these disclosures are complete and correct as of the date they are made.
9 American Blind anticipates that it will obtain additional facts, identify additional persons who may
10 have knowledge relevant to the issues in this action, and identify additional documents relevant to the
11 factual disputes in this action through their continuing pre-trial research, investigation and analysis and
12 through discovery of Plaintiff/Counter-Defendant Google, Inc., the Third-Party Defendants, and/or
13 other third parties. American Blind expressly reserves its rights: (a) to make subsequent revision,
14 supplementation or amendment to these disclosures based upon any information, evidence, documents,
15 facts and things which hereafter may be discovered, or the relevance of which may hereafter be
16 discovered; and (b) to produce, introduce or rely upon additional or subsequently acquired or
17 discovered writings, evidence and information at trial or in any pre-trial proceedings held herein.

18 2. American Blind objects to producing any documents or other tangible things that are, or
19 fairly constitute, trade secrets or that otherwise contain confidential, proprietary or sensitive
20 information until the entry of an appropriate Protective Order governing the disclosure and
21 dissemination of such information.

22 **WITNESSES**

23
24 As of the date of these Initial Disclosures, American Blind believes, based on information
25 reasonably available to it, that the following individuals may have information that American Blind
26 may use to support its case:

27 1. Steve Katzman, CEO & President, American Blind
28

1 Mr. Katzman can be contacted through counsel for American Blind.

2 Mr. Katzman has knowledge regarding American Blind's trademarks, the amount of
3 time and money spent by American Blind building up the value of its trademarks, American Blind's ad
4 campaign with Google, Google's sale of American Blind's trademarks as Keywords to American
5 Blind's competitors, the confusion suffered by American Blind's customers and prospective customers
6 due to the "Sponsored Links" posted by Google in response to a search for American Blind's
7 trademarks, American Blind's negotiations with Google regarding halting the sale of American Blind's
8 trademarks as Keywords as part of Google's AdWords Program, and the damages suffered by
9 American Blind as a result of Google's sale of American Blind's trademarks as Keywords as part of
10 Google's AdWords Program.

11 2. Joe Charno, Vice President of Marketing, Advertising & E-Commerce, American Blind

12 Mr. Charno can be contacted through counsel for American Blind.

13 Mr. Charno has knowledge regarding American Blind's trademarks, the amount of time
14 and money spent by American Blind building up the value of its trademarks, American Blind's ad
15 campaign with Google, Google's sale of American Blind's trademarks as keywords to American
16 Blind's competitors, the confusion suffered by American Blind's customers and prospective customers
17 due to the "Sponsored Links" posted by Google in response to a search for American Blind's
18 trademarks, American Blind's negotiations with Google regarding halting the sale of American Blind's
19 trademarks as Keywords as part of Google's AdWords Program, and the damages suffered by
20 American Blind as a result of Google's sale of American Blind's trademarks as Keywords as part of
21 Google's AdWords Program.

22 3. Bill Smith, Ecommerce Advisor, American Blind

23 Mr. Smith can be contacted through counsel for American Blind.

24 Mr. Smith has knowledge regarding American Blind's trademarks, the amount of time
25 and money spent by American Blind building up the value of its trademarks, American Blind's ad
26 campaign with Google, Google's sale of American Blind's trademarks as keywords to American
27 Blind's competitors, the confusion suffered by American Blind's customers and prospective customers
28

1 due to the "Sponsored Links" posted by Google in response to a search for American Blind's
2 trademarks, American Blind's negotiations with Google regarding halting the sale of American Blind's
3 trademarks as Keywords as part of Google's AdWords Program, and the damages suffered by
4 American Blind as a result of Google's sale of American Blind's trademarks as Keywords as part of
5 Google's AdWords Program.

6
7 4. Jeff Alderman, Ecommerce Relationship Manager, American Blind

8 Mr. Alderman can be contacted through counsel for American Blind.

9 Mr. Alderman has knowledge regarding American Blind's trademarks, the amount of
10 time and money spent by American Blind building up the value of its trademarks, American Blind's ad
11 campaign with Google, Google's sale of American Blind's trademarks as keywords to American
12 Blind's competitors, the confusion suffered by American Blind's customers and prospective customers
13 due to the "Sponsored Links" posted by Google in response to a search for American Blind's
14 trademarks, American Blind's negotiations with Google regarding halting the sale of American Blind's
15 trademarks as Keywords as part of Google's AdWords Program, and the damages suffered by
16 American Blind as a result of Google's sale of American Blind's trademarks as Keywords as part of
17 Google's AdWords Program.

18 5. Scott Powers, Ecommerce Coordinator, American Blind

19 Mr. Powers can be contacted through counsel for American Blind.

20 Mr. Powers has knowledge regarding American Blind's trademarks, the amount of time
21 and money spent by American Blind building up the value of its trademarks, American Blind's ad
22 campaign with Google, Google's sale of American Blind's trademarks as keywords to American
23 Blind's competitors, the confusion suffered by American Blind's customers and prospective customers
24 due to the "Sponsored Links" posted by Google in response to a search for American Blind's
25 trademarks, American Blind's negotiations with Google regarding halting the sale of American Blind's
26 trademarks as Keywords as part of Google's AdWords Program, and the damages suffered by
27 American Blind as a result of Google's sale of American Blind's trademarks as Keywords as part of
28 Google's AdWords Program.

1 6. Rick Steele, Select Blinds

2 American Blind believes that Mr. Steele has knowledge regarding Google's sale of
3 American Blind's trademarks as keywords to American Blind's competitors, Google's AdWords
4 Keywords Suggestions feature, and the American Blind optimization campaign.

5 7. Sergey Brin, Google

6 Mr. Brin has knowledge regarding Google's advertising policies, Google's corporate
7 philosophy, pending litigation, advertising revenues, and profits, including statements made on a 60
8 Minutes segment aired on January 2, 2005, in Playboy Magazine, in corporate filings, and elsewhere.

9 10 8. Larry Page, Google

11 Mr. Page has knowledge regarding Google's advertising policies, Google's corporate
12 philosophy, pending litigation, advertising revenues, and profits, including statements made on a 60
13 Minutes segment aired on January 2, 2005, in Playboy Magazine, in corporate filings, and elsewhere.

14 15 9. Eric Schmidt, Google

16 Mr. Schmidt has knowledge regarding Google's advertising policies, Google's
17 corporate philosophy, pending litigation, advertising revenues, and profits, including statements made
18 on a 60 Minutes segment aired on January 2, 2005, in Playboy Magazine, in corporate filings, and
19 elsewhere.

20 10. Kristina C., Google

21 American Blind believes that Kristina C. has knowledge regarding American Blind's ad
22 campaign with Google, the amount of money American Blind pays Google for American Blind's own
23 ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
24 competitors, Google's AdWords Keywords Suggestions feature, the American Blind optimization
25 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
26 Keywords to American Blind's competitors.

27 11. Jill Randell, Google

1 American Blind believes that Ms. Randell has knowledge regarding American Blind's
2 ad campaign with Google, the amount of money American Blind pays Google for American Blind's
3 own ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
4 competitors, Google's AdWords Keywords Suggestions feature, the American Blind optimization
5 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
6 Keywords to American Blind's competitors.

7
8 12. Carrie Chung, Google

9 American Blind believes that Ms. Chung has knowledge regarding American Blind's ad
10 campaign with Google, the amount of money American Blind pays Google for American Blind's own
11 ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
12 competitors, Google's AdWords Keywords Suggestions feature, the American Blind optimization
13 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
14 Keywords to American Blind's competitors.

15 13. Allison Maranz, Google

16 American Blind believes that Ms. Maranz has knowledge regarding American Blind's
17 ad campaign with Google, the amount of money American Blind pays Google for American Blind's
18 own ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
19 competitors, Google's AdWords Keywords Suggestions feature, the American Blind optimization
20 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
21 Keywords to American Blind's competitors.

22 14. Laura Balkovich, Google

23 American Blind believes that Ms. Balkovich has knowledge regarding American
24 Blind's ad campaign with Google, the amount of money American Blind pays Google for American
25 Blind's own ad campaign, Google's sale of American Blind's trademarks as Keywords to American
26 Blind's competitors, Google's AdWords Keywords Suggestions feature, the American Blind
27 optimization campaign, and the amount of revenue earned by Google by selling American Blind's
28

1 trademarks as Keywords to American Blind's competitors.

2
3 15. Kulpreet Rana, Google

4 American Blind believes that Kulpreet Rana has knowledge regarding Google's
5 AdWords program, Google's policy regarding the sale of trademarks as keywords to advertisers as part
6 of the AdWords program, Google's broad matching algorithm, other lawsuits against Google for sale
7 of a party's trademarks as Keywords as part of the AdWords program, and Google's settlement with
8 other trademark owners regarding the use of trademarks as Keywords.

9 16. Britton Mauchline (n/k/a Britton Picciolini), Google

10 Ms. Picciolini was one of American Blind's primary contacts with Google regarding
11 American Blind's own AdWords campaign, and American Blind's complaints regarding Google's sale
12 of American Blind's trademarks to other as Keywords. American Blind believes that Ms. Picciolini
13 has knowledge regarding American Blind's ad campaign with Google, the amount of money American
14 Blind pays Google for American Blind's own ad campaign, Google's sale of American Blind's
15 trademarks as Keywords to American Blind's competitors, Google's AdWords Keywords Suggestions
16 feature, the American Blind optimization campaign, and the amount of revenue earned by Google by
17 selling American Blind's trademarks as Keywords to American Blind's competitors.

18
19 17. Rose A. Hagan, Google

20 American Blind believes that Ms. Hagan has knowledge regarding Google's AdWords
21 program, Google's policy regarding the sale of trademarks as keywords to advertisers as part of the
22 AdWords program, Google's broad matching algorithm, other lawsuits against Google for sale of a
23 party's trademarks as Keywords as part of the AdWords program, and Google's settlement with other
24 trademark owners regarding the use of trademarks as Keywords.

25 18. K. Robertson, Google

26 American Blind believes that K. Robertson has knowledge regarding American Blind's
27 ad campaign with Google, the amount of money American Blind pays Google for American Blind's
28 own ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's

1 competitors, and the amount of revenue earned by Google by selling American Blind's trademarks as
2 Keywords to American Blind's competitors.

3
4 19. Charles A. Kilmer, Advertiser on Google

5 7008 Tyndale Street, Mclean, VA 22101

6 American Blind believes that Mr. Kilmer has knowledge regarding Google's sale of
7 American Blind's trademarks as Keywords to American Blind's competitors as part of Google's
8 AdWords Program, Google's AdWords Keywords Suggestions feature, and the American Blind
9 optimization campaign.

10 20. Evan Scott, Advertiser on Google

11 1466 Laurel Oaks Drive, Streamwood, IL 60107

12 American Blind believes that Mr. Scott has knowledge regarding Google's sale of
13 American Blind's trademarks as Keywords to American Blind's competitors as part of Google's
14 AdWords Program, Google's AdWords Keywords Suggestions feature, and the American Blind
15 optimization campaign.

16 21. Jeff Edwards, Google

17 American Blind believes that Mr. Edwards has knowledge regarding American Blind's
18 ad campaign with Google, the amount of money American Blind pays Google for American Blind's
19 own ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
20 competitors, Google's AdWords Keywords Suggestion feature, the American Blind optimization
21 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
22 Keywords to American Blind's competitors.

23
24 22. Kimberli Heard, Google

25 American Blind believes that Ms. Heard has knowledge regarding American Blind's ad
26 campaign with Google, the amount of money American Blind pays Google for American Blind's own
27 ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
28 competitors, Google's AdWords Keywords Suggestion feature, the American Blind optimization

1 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
2 Keywords to American Blind's competitors.

3
4 23. A. Dimarco, Google

5 American Blind believes that A. Dimarco has knowledge regarding American Blind's
6 ad campaign with Google, the amount of money American Blind pays Google for American Blind's
7 own ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
8 competitors, Google's AdWords Keywords Suggestion feature, the American Blind optimization
9 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
10 Keywords to American Blind's competitors.

11 24. John DiCola, Google

12 American Blind believes that Mr. DiCola has knowledge regarding American Blind's
13 ad campaign with Google, the amount of money American Blind pays Google for American Blind's
14 own ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
15 competitors, Google's AdWords Keywords Suggestion feature, the American Blind optimization
16 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
17 Keywords to American Blind's competitors.

18 25. Caroline Escobar, Google

19 American Blind believes that Ms. Escobar has knowledge regarding American Blind's
20 ad campaign with Google, the amount of money American Blind pays Google for American Blind's
21 own ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
22 competitors, Google's AdWords Keywords Suggestion feature, the American Blind optimization
23 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
24 Keywords to American Blind's competitors.

25 26. Emily Nichols, Google

26 American Blind believes that Ms. Nichols has knowledge regarding American Blind's
27 ad campaign with Google, the amount of money American Blind pays Google for American Blind's
28

1 own ad campaign, Google's sale of American Blind's trademarks as Keywords to American Blind's
2 competitors, Google's AdWords Keywords Suggestion feature, the American Blind optimization
3 campaign, and the amount of revenue earned by Google by selling American Blind's trademarks as
4 Keywords to American Blind's competitors.

5
6 27. Hema Prashad, Google

7 American Blind believes that Hema Prashad has knowledge regarding American
8 Blind's ad campaign with Google, the amount of money American Blind pays Google for American
9 Blind's own ad campaign, Google's sale of American Blind's trademarks as Keywords to American
10 Blind's competitors, and the amount of revenue earned by Google by selling American Blind's
11 trademarks as Keywords to American Blind's competitors.

12 28. A corporate representative of eRank.com

13 American Blind believes that this corporate representative has knowledge regarding
14 Google's sale of American Blind's trademarks as keywords to American Blind's competitors,
15 Google's AdWords Keywords Suggestions feature, and the American Blind optimization campaign.

16 29. A corporate representative of The Blind Factory

17 American Blind believes that this corporate representative has knowledge regarding
18 Google's sale of American Blind's trademarks as keywords to American Blind's competitors,
19 Google's AdWords Keywords Suggestions feature, and the American Blind optimization campaign.
20

21 30. A corporate representative of wallpaperstore.com

22 American Blind believes that this corporate representative has knowledge regarding
23 Google's sale of American Blind's trademarks as keywords to American Blind's competitors,
24 Google's AdWords Keywords Suggestions feature, and the American Blind optimization campaign.

25 31. A corporate representative of SelectBlinds.com

26 American Blind believes that this corporate representative has knowledge regarding
27 Google's sale of American Blind's trademarks as keywords to American Blind's competitors,
28

1 Google's AdWords Keywords Suggestions feature, and the American Blind optimization campaign.

2
3 32. A corporate representative of America Online, Inc.

4 American Blind believes that this corporate representative has knowledge regarding
5 America Online, Inc.'s relationship with Google, the revenues and profits earned by America Online,
6 Inc. from posting Google's "Sponsored Links" in response to searches on its website, America Online,
7 Inc.'s policy regarding the sale of trademarks as Keywords, and damages suffered by American Blind
8 as a result of Google's sale of American Blind's trademarks as Keywords as part of Google's
9 AdWords Program.

10 33. A corporate representative of Netscape Communications Corp.

11 American Blind believes that this corporate representative has knowledge regarding
12 Netscape Communications Corp.'s relationship with Google, the revenues and profits earned by
13 Netscape Communications Corp. from posting Google's "Sponsored Links" in response to searches on
14 its website, Netscape Communications Corp.'s policy regarding the sale of trademarks as Keywords,
15 and damages suffered by American Blind as a result of Google's sale of American Blind's trademarks
16 as Keywords as part of Google's AdWords Program.

17 34. A corporate representative of Compuserve Interactive Services, Inc.

18 American Blind believes that this corporate representative has knowledge regarding
19 Compuserve Interactive Services, Inc.'s relationship with Google, the revenues and profits earned by
20 Compuserve Interactive Services, Inc. from posting Google's "Sponsored Links" in response to
21 searches on its website, Compuserve Interactive Services, Inc.'s policy regarding the sale of
22 trademarks as Keywords, and damages suffered by American Blind as a result of Google's sale of
23 American Blind's trademarks as Keywords as part of Google's AdWords Program.

24
25 35. A corporate representative of Ask Jeeves, Inc.

26 American Blind believes that this corporate representative has knowledge regarding
27 Ask Jeeves, Inc.'s relationship with Google, the revenues and profits earned by Ask Jeeves, Inc. from
28 posting Google's "Sponsored Links" in response to searches on its website, Ask Jeeves, Inc.'s policy

1 regarding the sale of trademarks as Keywords, and damages suffered by American Blind as a result of
2 Google's sale of American Blind's trademarks as Keywords as part of Google's AdWords Program.

3
4 36. A corporate representative of Earthlink, Inc.

5 American Blind believes that this corporate representative has knowledge regarding
6 Earthlink, Inc.'s relationship with Google, the revenues and profits earned by Earthlink, Inc. from
7 posting Google's "Sponsored Links" in response to searches on its website, Earthlink, Inc.'s policy
8 regarding the sale of trademarks as Keywords, and damages suffered by American Blind as a result of
9 Google's sale of American Blind's trademarks as Keywords as part of Google's AdWords Program.

10 37. A corporate representative of Overture Services Inc. n/k/a Yahoo! Search Marketing Group
11 ("Overture")

12 American Blind believes that this corporate representative has knowledge regarding
13 Overture's policy regarding the sale of trademarks as keywords or search terms, the confusion suffered
14 by Internet users that results from the sale of trademarks as keywords or search terms, revenues and
15 profits derived from the sale of keywords and search terms, and the technology used to prevent
16 advertisers from bidding on and/or purchasing the trademarks of others.

17 **DOCUMENTS**

18 Pursuant to Rule 26(a)(1)(B) of the Federal Rules of Civil Procedure and subject to the General
19 Objections stated above, American Blind identifies the following category of documents that American
20 Blind may use to support its case:

21 38. Screen prints of the Google search results page showing that American Blind's competitors'
22 advertisements appear in response to searches for American Blind's trademarks.
23

24 39. Screen prints of the Google search results page from September 17, 2004 from users
25 performing searches for American Blind's trademarks in San Jose, California and other geographic
26 locations in the United States.

27 40. Google's past and present printed trademark policies.
28

1 41. Documents filed by Google with the Securities and Exchange Commission in connection
2 with and subsequent to Google's initial public offering.

3 42. Various e-mail and letter communications between American Blind and Google regarding
4 American Blind's advertising campaign.

5 43. Various e-mail and letter communications between American Blind and Google regarding
6 American Blind's competitors' use of American Blind's trademarks as Keywords.
7

8 44. Communications between American Blind and some of American Blind's competitors
9 regarding the competitors' use of American Blind's trademarks as keywords for Google's AdWords
10 Program.
11

12 45. Assorted financial data from American Blind to prove the damages suffered by American
13 Blind as a result of Google's sale of American Blind's trademarks as Keywords.

14 46. Communications between Google and its advertisers illustrating the advertisers' purchase
15 of American Blind's trademarks as Keywords.
16

17 47. Overture Services, Inc. n/k/a Yahoo! Search Marketing Group's policy regarding the sale of
18 trademarks as keywords or search terms.

19 48. The transcript of a 60 Minutes segment aired on January 2, 2005 regarding Google.
20

21 49. The Playboy magazine article regarding Google and its founders.
22

23 50. Documents evidencing American Blind's rights to the American Blind federally registered
24 and common law trademarks.

25 51. The Permanent Injunction Order issued by the United States District Court for the Eastern
26 District of Michigan permanently enjoining a competitor from using American Blind's "trademarks,
27 service marks or the word 'American' in any variation or combination with the word "Blinds" either
28 singular or plural...."

1 52. Documents evidencing the strength of American Blind's federally registered and common
2 law trademarks.

3 53. Documents evidencing the proximity and/or similarity of the goods sold by American Blind
4 and American Blind's competitors to whom Google sells American Blind's trademarks as keywords.
5

6 54. Documents evidencing the similarity between the American Blind trademarks and the
7 keywords sold by Google to American Blind's competitors.

8 55. Documents evidencing confusion by customers and potential customers as a result of
9 Google's sale of American Blind's federally registered and common law trademarks to American
10 Blind's competitors as keywords.
11

12 56. Research and studies indicating that consumers are confused by the sale of trademarks as
13 keywords.

14 57. Documents evidencing that American Blind and American Blind's competitors to whom
15 Google sells American Blind's federally registered and common law trademarks as keywords are using
16 the same marketing channels.
17

18 58. Documents evidencing the type of goods sold by American Blind and the degree of care
19 likely to be exercised by the purchaser of American Blind's goods.
20

21 **DAMAGES**

22 American Blind is unable to quantify its damages at this early stage of this litigation.
23 American Blind's damages result from lost Internet traffic, lost sales, and lost visibility because
24 customers and potential customers are diverted to competitors' websites due to Google's illegal sale of
25 American Blind's trademarks to American Blind's competitors. American Blind is also damaged
26 because its brand name is diluted and tarnished, which has resulted in further lost sales. However,
27 much of the information that American Blind (and its expert witnesses) will require for American
28 Blind's damages computation is in Google's possession and has not been produced to American Blind.

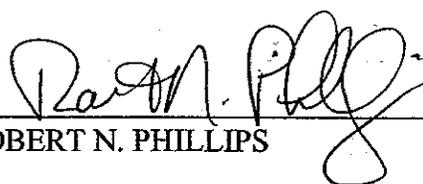
1 Until American Blind obtains discovery from Google, for example, it cannot know how much Internet
2 traffic has been diverted to its competitors' websites by Google's "Sponsored Links" that were
3 triggered by searches for American Blind's trademarks.

4 INSURANCE

5 American Blind believes that it does not have insurance coverage covering the types of
6 claims asserted in this case.

7 Dated: April 27, 2005

8 HOWREY SIMON ARNOLD & WHITE,
9 LLP

10 By: 
11 ROBERT N. PHILLIPS

12 David A. Rammelt
13 Susan J. Greenspon
14 Dawn M. Beery
15 KELLEY DRYE & WARREN LLP
16 333 West Wacker Drive, Suite 2600
17 Chicago, IL 60606

18 Attorneys for Defendant/Counter-Plaintiff
19 AMERICAN BLIND AND WALLPAPER
20 FACTORY, INC.

PROOF OF SERVICE

I am a citizen of the United States and a resident of the State of California. I am employed in San Francisco County, State of California, 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 525 Market Street, Suite 3600, San Francisco, CA 94105. On the date set forth below, I served the document(s) described below in the manner described below:

**AMERICAN BLIND & WALLPAPER FACTORY, INC.'S INITIAL DISCLOSURES
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26**

VIA FACSIMILE & U.S. MAIL

Michael H. Page
Mark A. Lemley
Ravind S. Grewal
Keker & Van Nest, LLP
710 Sansome Street
San Francisco, CA 94111
Facsimile: (415) 397-7188

VIA FACSIMILE & U.S. MAIL

Stephen E. Taylor
Jan J. Klohonatz
Taylor & Company Law Offices, Inc.
One Ferry Building, Suite 355
San Francisco, CA 94111
Facsimile: (415) 788-8208

XX (BY FACSIMILE) I am personally and readily familiar with the business practice of Howrey Simon Arnold & White, 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 Howrey Simon Arnold & White, 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 Howrey Simon Arnold & White, 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 San Francisco, California.

Executed on April 27, 2005, at San Francisco, California

Patricia Cranmer


(Signature)

EXHIBIT V

MANUAL FILING NOTIFICATION

Regarding Exhibit V to the DECLARATION OF KLAUS H. HAMM IN SUPPORT OF GOOGLE'S OPPOSITION TO AMERICAN BLIND & WALLPAPER FACTORY, INC.'S MOTION TO COMPEL GOOGLE TO RESPOND TO DISCOVERY TIMELY SERVED GIVEN THE CURRENT CUTOFF DATE OF AUGUST 26, 2006.

This filing is in paper form only, and is being maintained in the case file in the Clerk's office. If you are a participant in this case, this filing will be served in hard-copy shortly.

This document was not electronically filed because it is under seal.

EXHIBIT W

MANUAL FILING NOTIFICATION

Regarding Exhibit W to the DECLARATION OF KLAUS H. HAMM IN SUPPORT OF GOOGLE'S OPPOSITION TO AMERICAN BLIND & WALLPAPER FACTORY, INC.'S MOTION TO COMPEL GOOGLE TO RESPOND TO DISCOVERY TIMELY SERVED GIVEN THE CURRENT CUTOFF DATE OF AUGUST 26, 2006.

This filing is in paper form only, and is being maintained in the case file in the Clerk's office. If you are a participant in this case, this filing will be served in hard-copy shortly.

This document was not electronically filed because it is under seal.

EXHIBIT X

1 KEKER & VAN NEST, LLP
 MICHAEL H. PAGE - #154913
 2 MARK A. LEMLEY - #155830
 KLAUS H. HAMM - #224905
 3 710 Sansome Street
 San Francisco, CA 94111-1704
 4 Telephone: (415) 391-5400
 Facsimile: (415) 397-7188
 5
 Attorneys for Plaintiff and Counterdefendant
 6 GOOGLE INC. and Third-Party Defendants
 ASK JEEVES, INC. and EARTHLINK, INC.
 7

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DISTRICT

12 GOOGLE INC., a Delaware corporation,
 13
 Plaintiff,

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

14 v.

**PLAINTIFF/COUNTERDEFENDANT
 GOOGLE INC. and THIRD-PARTY
 DEFENDANTS ASK JEEVES, INC. and
 EARTHLINK, INC.'s INITIAL
 DISCLOSURES PURSUANT TO RULE 26
 OF THE FEDERAL RULES OF CIVIL
 PROCEDURE**

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

17 Defendants.

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

20 Counterclaimant,

21 v.

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

25 Counterdefendants/
 26 Third-Party Defendants.
 27
 28

1 Plaintiff/Counterdefendant Google Inc. and Third-Party Defendants Ask Jeeves, Inc. and
2 EarthLink, Inc. (collectively, the "Responding Parties") hereby make their initial disclosures
3 pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

4 The Responding Parties' investigation is continuing, and this disclosure provides
5 information currently known and available to the Responding Parties after a good-faith inquiry
6 and investigation. By identifying witnesses in this initial disclosure who are likely to have non-
7 privileged, discoverable information, the Responding Parties make no representation or
8 admission concerning the knowledge or competence of any individual identified. Likewise, by
9 identifying documents in this initial disclosure, the Responding Parties make no representation or
10 admission concerning the documents' relevance to matters to be decided in this case. This
11 disclosure is not intended, and should not be construed, as a waiver of privilege, or as a waiver of
12 any objections to the production, use, or admission into evidence, of any document or
13 information that the Responding Parties may be legally entitled to assert during the discovery or
14 trial of this action. No incidental or implied admissions are intended by this disclosure. The
15 Responding Parties reserve the right to supplement and/or amend this disclosure and to produce
16 subsequent discovery or other information relevant to this case.

17 **a. Witnesses – FRCP 26(a)(1)(A)**

18 At this time, the Responding Parties believe that the following individuals are likely to
19 have non-privileged, discoverable information that the Responding Parties may use to support
20 their claims or defenses, exclusive of information used solely for impeachment:

- 21 1. Tim Armstrong: Information concerning Google advertisers and Google
22 advertisements.
- 23 2. Jessica Bluett: Information concerning Google advertisers and Google
24 advertisements.
- 25 3. Jane Butler: Information concerning Google advertisers and Google
26 advertisements.
- 27 4. Peter Chane: Information concerning Google advertisers and Google
28 advertisements.

1 5. John DiCola: Information concerning Google advertisers and Google
2 advertisements.

3 6. Eric Filler: Information concerning Google advertisers and Google
4 advertisements.

5 7. Prashant Fuloria: Information concerning Google policies relating to
6 trademarks, and the implementation of the Google AdWords service.

7 8. Matt Gilbert: Information concerning Ask Jeeves advertisers, Ask
8 Jeeves advertisements, Ask Jeeves policies relating to trademarks, and the implementation of
9 the Ask Jeeves advertising products.

10 9. Mort Greenberg: Information concerning Ask Jeeves advertisers, Ask
11 Jeeves advertisements, Ask Jeeves policies relating to trademarks, and the implementation of
12 the Ask Jeeves advertising products.

13 10. Shannon Handegan: Information concerning the relationship between EarthLink
14 and Google.

15 11. Salar Kamangar: Information concerning the design and implementation of
16 the Google AdWords service.

17 12. Dara Kao: Information concerning Google advertisers and Google
18 advertisements.

19 13. Alana Karen: Information concerning Google advertisers, Google
20 advertisements, Google policies relating to trademarks, and the implementation of the Google
21 AdWords service.

22 14. Ross Koningstein: Information concerning the design and implementation of
23 the Google AdWords Service.

24 15. David Krane: Information concerning Google policies relating to
25 trademarks.

26 16. Bismarck Lepe: Information concerning Google advertisers and Google
27 advertisements.

28 17. Chad Lester: Information concerning the design and implementation of

1 the Google AdWords service.

2 18. Kabir Masson: Information concerning the implementation of the Google
3 AdWords service.

4 19. Michael Mayzel: Information concerning Google policies relating to
5 trademarks.

6 20. Leshika Samarasinghe: Information concerning Google policies relating to
7 trademarks.

8 21. David Shipps: Information concerning the relationship between EarthLink
9 and Google.

10 22. Ted Souder: Information concerning Google advertisers and Google
11 advertisements.

12 23. Miriam Wynn: Information concerning the implementation of the Google
13 AdWords service.

14 The above individuals may be contacted only through counsel at Kecker & Van Nest LLP,
15 710 Sansome Street, San Francisco, California 94111, (415) 391-5400.

16 The following individuals are also likely to have discoverable information that the
17 Responding Parties may use to support their claims or defenses, exclusive of information used
18 solely for impeachment:

19 24. Current and prior employees of American Blind & Wallpaper Factory, Inc.
20 ("American Blind") who were involved in selling goods or services sold under the American
21 Blind marks.

22 25. Current and prior American Blind employees who were involved in advertising
23 and promoting goods and services sold or intended to be sold under the American Blind marks.

24 26. Current and prior American Blind employees who were involved in market
25 research or other investigations relating to the American Blind marks.

26 The Responding Parties are informed and believe that American Blind is aware of the
27 whereabouts and contact information for the individuals listed in items 24 through 26 above.

28 The Responding Parties reserve the right to identify other individuals who may have

1 discoverable information that the Responding Parties may use to support their claims or
2 defenses, exclusive of information used solely for impeachment.

3 **b. Documents – FRCP 26(a)(1)(B)**

4 Google may use the following documents in its possession, custody, or control to support
5 its claims or defenses in this action:

6 1. Documents that are publicly available at the Internet addresses
7 <http://adwords.google.com>, <http://ask.com>, and <http://earthlink.com>.

8 2. Documents relating to the use of trademarks as keywords in connection with the
9 AdWords program. These documents are located at the offices of: Google, 1600 Amphitheatre
10 Parkway, Mountain View, CA 94043; Ask Jeeves, 555 12th Street, Suite 500, Oakland, CA
11 94607; and EarthLink, 1375 West Peachtree Street, Atlanta, GA 30309.

12 3. Documents relating to the use of the American Blind marks in connection with
13 the AdWords program. These documents are located at the offices of: Google, 1600
14 Amphitheatre Parkway, Mountain View, CA 94043; Ask Jeeves, 555 12th Street, Suite 500,
15 Oakland, CA 94607; and EarthLink, 1375 West Peachtree Street, Atlanta, GA 30309.

16 4. Documents relating to the relationship between Google and Ask Jeeves, as it
17 concerns the AdWords program. These documents are located at the offices of: Google, 1600
18 Amphitheatre Parkway, Mountain View, CA 94043; and Ask Jeeves, 555 12th Street, Suite 500,
19 Oakland, CA 94607.

20 5. Documents relating to the relationship between Google and EarthLink, as it
21 concerns the AdWords program. These documents are located at the offices of: Google, 1600
22 Amphitheatre Parkway, Mountain View, CA 94043; and EarthLink, 1375 West Peachtree Street,
23 Atlanta, GA 30309.

24 The Responding Parties reserve the right to identify other documents that it may use to
25 support its claims or defenses in this action.

26 **c. Computation of Damages – FRCP 26(a)(1)(C)**

27 The Responding Parties do not currently claim any damages.

28

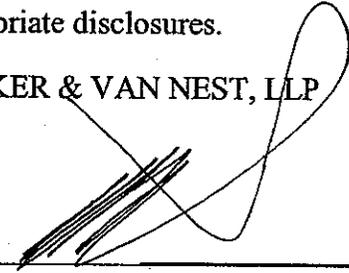
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d. Insurance – FRCP 26(a)(1)(D)

Each of the Responding Parties are currently investigating whether coverage is available under any applicable policy of insurance. In the event any of the Responding Parties determine such coverage is available, that party will make appropriate disclosures.

DATED: April 27, 2005

KEKER & VAN NEST, LLP

By: 

MICHAEL H. PAGE
Attorneys for Plaintiff and Counterdefendant
GOOGLE INC. and Third-Party Defendants
ASK JEEVES, INC. and EARTHLINK, INC.,

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On April 27, 2005, I served the following document(s):

PLAINTIFF/COUNTERDEFENDANT GOOGLE INC. and THIRD-PARTY DEFENDANTS ASK JEEVES, INC. and EARTHLINK, INC.'s INITIAL DISCLOSURES PURSUANT TO RULE 26 OF THE FEDERAL RULES OF CIVIL PROCEDURE

by PDF TRANSMISSION AND UNITED STATES MAIL, by transmitting via PDF on this date. A true and correct copy of same was placed in a sealed envelope addressed as shown below. I am readily familiar with the practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

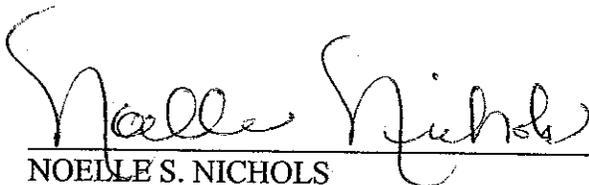
Susan J. Greenspon
David A. Rammelt
Kelley Drye & Warren LLP
333 West Wacker Drive
Chicago, IL 60606
Telephone: 312/857-7070
Facsimile: 312/857-7095

Robert N. Phillips
Howrey Simon Arnold & White, LLP
525 Market Street, Suite 3600
San Francisco, CA 94105-2708
Telephone: 415/848-4900
Facsimile: 415/848-4999

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Executed on April 27, 2005, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


NOELLE S. NICHOLS