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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.

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

24 Counter-Plaintiff,

25 v.

26 GOOGLE, INC.

27 Counter-Defendants.  
28

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

**SUPPLEMENTAL DECLARATION OF  
CAROLINE C. PLATER IN SUPPORT OF  
DEFENDANT AMERICAN BLIND AND  
WALLPAPER FACTORY, INC.'S REPLY  
IN SUPPORT OF MOTION TO COMPEL  
GOOGLE TO RESPOND TO DISCOVERY  
TIMELY SERVED GIVEN THE CURRENT  
CUTOFF DATE OF AUGUST 26, 2006**

Date: September 6, 2006  
Time: 9:30 a.m.  
Courtroom: 4  
Hon. Richard Seeborg

1 I, Caroline C. Plater declare as follows:

2 1. I am an attorney at Kelley Drye & Warren LLP, counsel of record for  
3 Defendant/Counter-Plaintiff American Blind and Wallpaper Factory, Inc. (“American Blind”) in  
4 the above-captioned action. I am a member in good standing of the State Bar of Illinois. I have  
5 personal knowledge of the facts set forth in this declaration and, if called as a witness, could and  
6 would testify competently to such facts under oath.

7 2. Attached hereto as Exhibit A is a true and correct copy of the Order  
8 Granting in Part Defendant’s Motion to Extend Case Management Deadlines, entered on June 23,  
9 2006, by Judge Jeremy Fogel.

10 3. Attached hereto as Exhibit B is a true and correct copy of the transcript of  
11 the deposition of Rose Hagan, taken on August 10, 2006.

12 4. Attached hereto as Exhibit C are true and correct copies of documents  
13 produced by Google, Bates labeled GGLE0025333-GGLE0025339.

14 5. Attached hereto as Exhibit D is a true and correct copy of correspondence  
15 from Klaus H. Hamm to David A. Rammelt, dated June 22, 2006.

16 6. Attached hereto as Exhibit E is a true and correct copy of correspondence  
17 from Klaus H. Hamm to David A. Rammelt, dated August 22, 2006.

18

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 23<sup>rd</sup> day of August 2006, in Chicago, Illinois.

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24

/s/ Caroline C. Plater  
CAROLINE C. PLATER

25

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1 I, Caroline C. Plater declare as follows:

2 1. I am an attorney at Kelley Drye & Warren LLP, counsel of record for  
3 Defendant/Counter-Plaintiff American Blind and Wallpaper Factory, Inc. (“American Blind”) in  
4 the above-captioned action. I am a member in good standing of the State Bar of Illinois. I have  
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20 Executed this 23<sup>rd</sup> day of August 2006, in Chicago, Illinois.

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/s/ Caroline C. Plater  
CAROLINE C. PLATER

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## **Exhibit A**

\*\* E-filed on 6/23/06 \*\*

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7 NOT FOR CITATION  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
11

12 GOOGLE INC.,

13 Plaintiff,

14 v.

15 AMERICAN BLIND & WALLPAPER  
FACTORY, INC., et al.,

16 Defendants.

17  
18 AMERICAN BLIND & WALLPAPER  
FACTORY, INC.,

19 Counterclaimant,

20 v.

21 GOOGLE INC.,

22 Counter-Defendant.  
23

Case Number C 03-05340 JF (RS)

ORDER GRANTING IN PART  
DEFENDANT'S MOTION TO  
EXTEND CASE MANAGEMENT  
DEADLINES

[re: docket no. 109]

24 American Blind & Wallpaper Factory, Inc. ("American Blind") moves to amend and  
25 extend the case management dates by ninety (90) days. Google Inc. ("Google") opposes the  
26 motion. The Court heard oral argument on June 23, 2006.

27 Considering the fact that American Blind underwent a change of ownership and  
28

1 management between April, 2006 and June, 2006, the Court concludes that an extension of the  
2 case management dates is appropriate. *See* Declaration of Susan Greenspon in Support of  
3 American Blind & Wallpaper, Factory Inc.'s Reply in Support of Motion to Amend and Extend  
4 Case Management Order Dates. However, considering, among other things, that the instant  
5 action was filed more than two and a half years ago and that American Blind has previously  
6 sought and received an extension of case management dates, the Court will amend and extend the  
7 case management dates by only sixty (60) days.

8 As the Court indicated to counsel during oral argument, the extension of case  
9 management dates is intended only to allow the parties to complete discovery that is within the  
10 previously established scope of discovery. If during the remaining period of discovery a party  
11 believes that additional discovery is necessary, the parties should attempt resolve the matter  
12 between themselves. However, if an agreement cannot be reached, permission to conduct  
13 additional discovery shall be sought from Magistrate Judge Seeborg.

14 IT IS SO ORDERED.

15  
16 DATED: June 23, 2006

17  
18   
19 JEREMY FOGEL  
20 United States District Judge  
21  
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1 This Order has been served upon the following persons:

- 2 Ethan B. Andelman andelmane@howrey.com, cranmerp@howrey.com  
3 Ravind Singh Grewal rsg@kvn.com  
4 Klaus Hemingway Hamm khamm@kvn.com, efiling@kvn.com; wik@kvn.com  
5 Ajay Krishnan akrishnan@kvn.com, efiling@kvn.com; rthomas@kvn.com  
6 Michael H. Page mhp@kvn.com, efiling@kvn.com; sjr@kvn.com; nsn@kvn.com  
7 Robert Nathan Phillips phillipsr@howrey.com, cranmerp@howrey.com  
8 Stephen E. Taylor staylor@tcolaw.com, jklohonz@tcolaw.com;  
9 swexler@tcolaw.com; tnewby@tcolaw.com; jliu@tcolaw.com;  
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## **Exhibit B**

**“Exhibit B”**

**FILED UNDER SEAL**

## **Exhibit C**

**“Exhibit C”**

**FILED UNDER SEAL**

## **Exhibit D**

LAW OFFICES  
**KEKER & VAN NEST**  
LLP

710 SANSOME STREET  
SAN FRANCISCO, CA 94111-1704  
TELEPHONE (415) 391-5400  
FAX (415) 397-7188  
WWW.KVN.COM

KLAUS H. HAMM  
KHAMM@KVN.COM

June 22, 2006

**VIA FEDERAL EXPRESS**

David A. Rammelt, Esq.  
Kelley Drye & Warren LLP  
333 West Wacker Drive  
26<sup>th</sup> Floor  
Chicago, IL 60606

**Re: *Google Inc. v. American Blind & Wallpaper Factory, Inc.***

Dear David:

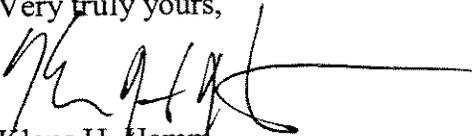
Enclosed please find Google's Supplemental Privilege Log, and Google's Redaction Log.

In reviewing the documents for the redaction log, we have determined that some previously redacted documents should be produced without redactions. These documents are enclosed and labeled Google 004507-4509, Google 005048 – 5054, and Google 005127-5128, Google 005143-5144, Google 005245-5246, Google 008640-8642, Google 12205-12206, Google39411-39414, Google 39537-39540, Google 039672-39682 and Google 039687.

Finally, please find enclosed a CD labeled GGLE005 containing documents labeled GGLE0021230-25504. GGLE0021230-21918 and GGLE 23720-25121 are documents regarding Google's trademark list and white list. GGLE21919-23719 are documents regarding a customer survey. And GGLE0025122-25504 are documents collected from Josh McFarland.

Should you have questions, please feel free to contact me.

Very truly yours,



Klaus H. Hamm

KHH:wik  
Enclosures

## **Exhibit E**

LAW OFFICES  
**KEKER & VAN NEST**  
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SAN FRANCISCO, CA 94111-1704  
TELEPHONE (415) 391-8400  
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KLAUS H. HAMM  
KHAMM@KVN.COM

August 22, 2006

**VIA FACSIMILE**

David A. Rammelt, Esq.  
Kelley Drye & Warren LLP  
333 West Wacker Drive  
26<sup>th</sup> Floor  
Chicago, IL 60606

Re: *Google Inc. v. American Blind & Wallpaper Factory, Inc.*

Dear David:

Enclosed please find Google's Supplemental Privilege Log.

Also enclosed please find documents labeled GGL005975 - GGL006028. These documents relate to a SelectBlinds.com's advertising account with Google. Google discovered these documents after Google received American Blind's deposition notice for Rick Steele.

Should you have questions, please feel free to contact me.

Very truly yours,



Klaus H. Hamm

KHH  
Enclosures