

Exhibit D

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9
10 Attorneys for Defendant/Counter-Plaintiff
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 v.

25 GOOGLE INC.,
26 Counterdefendants.

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

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

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.

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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.
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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
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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.
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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:**

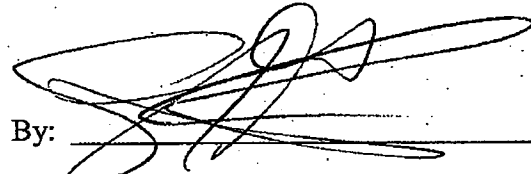
18 All DOCUMENTS RELATING TO AMERICAN BLIND's decision to use the
19 phrase "American Blinds, Wallpaper & More" to refer to AMERICAN BLIND on the cover of
20 some, if not all, of AMERICAN BLIND's customer catalogs.

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: 

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21 Plaintiff AMERICAN BLIND
22 AND WALLPAPER FACTORY,
23 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