

Exhibit C

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6 Attorneys for Plaintiff and Counter Defendant
GOOGLE INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

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

Case No. C 03-5340-JF

14 v.

**GOOGLE INC.'S OBJECTIONS TO
NOTICE OF DEPOSITION OF LARRY
PAGE**

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 Counter Plaintiff,

21 v.

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

25 Counter Defendant/
26 Third-Party Defendants.
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1 Pursuant to Federal Rules of Civil Procedure 26 and 34 and Local Civil Rule 26, Plaintiff
2 and Counter-Defendant Google Inc. ("Google") hereby objects to American Blind & Wallpaper
3 Factory, Inc.'s ("American Blind's") Notice Of Deposition Of Larry Page as follows:

4 Google objects to this deposition notice on the ground that it is untimely. American
5 Blind served this notice in violation of the Court's June 23, 2006 Order Granting In Part
6 Defendant's Motion To Extend Case Management Deadlines and Civil Local Rule 26-2. The
7 Court's June 23, 2006 Order extended the June 27, 2006 close of fact discovery only for the
8 purpose of allowing the parties to complete the "previously established scope of discovery." As
9 for other discovery, the Court ordered that "[i]f during the remaining period of discovery a party
10 believes that additional discovery is necessary, the parties should attempt resolve [sic] the matter
11 between themselves. However, if an agreement cannot be reached, permission to conduct
12 additional discovery shall be sought from Magistrate Judge Seeborg." American Blind served
13 this deposition notice by fax on June 26, 2006. As a result, when the Court issued its June 23,
14 2006, order, the deposition of Larry Page was not within the "previously established scope of
15 discovery" and the limited extension of fact discovery does not apply to this deposition notice.
16 Moreover, American Blind served this deposition notice without first meeting and conferring
17 with Google and without seeking permission to serve it from Magistrate Judge Seeborg. As a
18 result, American Blind was not permitted to serve this deposition notice.

19 Nor does it make a difference that American Blind served this deposition notice on
20 June 26, 2006, which was the day before fact discovery closed. The notice set Mr. Page's
21 deposition for August 8, 2006. Civil Local Rule 26-2 states that "a 'discovery cut-off' is the date
22 by which all responses to written discovery are due and by which all depositions must be
23 concluded." Thus a deposition notice served the day before the discovery cut-off is untimely
24 since the deposition must necessarily take place after the discovery cut-off.

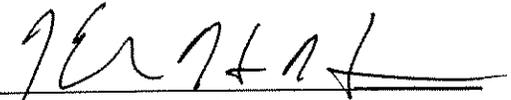
25 In the event that American Blind receives leave from the Court to serve this deposition
26 notice, Google reserves its right to make further objections to this notice and/or to seek a
27 protective order.

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Dated: July 31, 2006

KEKER & VAN NEST, LLP

By: 

KLAUS H. HAMM
Attorneys for Plaintiff and Counter
Defendant GOOGLE INC.

PROOF OF SERVICE

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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 Kecker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On July 31, 2006 I served the following document:

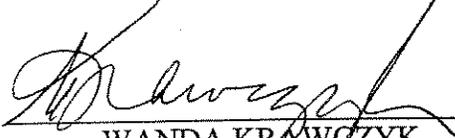
GOOGLE INC.'S OBJECTIONS TO NOTICE OF DEPOSITION OF LARRY PAGE

by **FACSIMILE TRANSMISSION (IKON) AND UNITED STATES MAIL**, by placing a true and correct copy with IKON Office Solutions, the firm's in-house facsimile transmission center provider, for transmission on this date. The transmission was reported as complete and without error. Additionally, the original was placed in a sealed envelope addressed as shown below. I am readily familiar with the practice of Kecker & 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.

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David A. Rammelt, Esq.
Kelley Drye & Warren LLP
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Facsimile: 312/857-7095

Robert N. Phillips, Esq.
Howrey Simon Arnold & White, LLP
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San Francisco, CA 94105-2708
Facsimile: 415/848-4999

Executed on July 31, 2006 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.


WANDA KRAWCZYK