

1 Robert N. Phillips (SBN 120970)
 Ethan B. Andelman (SBN 209101)
 2 HOWREY 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 KELLEY DRYE & WARREN LLP
 333 West Wacker Drive, Suite 2600
 7 Chicago, IL 60606
 Telephone: (312) 857-7070
 8 Facsimile: (312) 857-7095

9 Attorneys for Defendant/Counter-Plaintiff
 AMERICAN BLIND AND WALLPAPER
 10 FACTORY, INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 GOOGLE INC., a Delaware corporation,

15 Plaintiff,

16 v.

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

19 Defendants.

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

21 Counter-Plaintiff,

22 v.

23 GOOGLE, INC.

24 Counter-Defendant.
 25
 26
 27
 28

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

**AMERICAN BLIND AND WALLPAPER
 FACTORY, INC.'S MOTION TO STRIKE
 GOOGLE INC.'S REPLY IN SUPPORT OF
 ITS OBJECTIONS TO MAGISTRATE
 JUDGE'S ORDER COMPELLING
 DEPOSITION OF GOOGLE CO-
 FOUNDER AND PRESIDENT LARRY
 PAGE**

Judge: Hon. Jeremy Fogel

1 Defendant/Counter-Plaintiff American Blind and Wallpaper Factory, Inc. (“American
2 Blind”) respectfully moves the Court for an Order striking Plaintiff/Counter-Defendant, Google
3 Inc.’s (“Google”) Reply in Support of its Objections to Magistrate Judge’s Order Compelling
4 Deposition of Google Co-founder and President Larry Page (“Reply Brief”) as an improper and
5 unauthorized filing.

6 Google was not requested by the Court to file a Reply Brief and there is no Federal or
7 Local Rule that allows Google to file such a brief under these circumstances. In addition to the
8 procedural impropriety of the filing, the Reply Brief is not even substantively justified. Google
9 does not present new arguments or evidence that it was unaware of when it filed its Objections.
10 Even with its improper Reply Brief, Google still has not submitted a declaration of Larry Page
11 that supports Google’s attempt to prevent his deposition. Rather, Google merely rehashes its
12 prior arguments of counsel.

13 Based on the foregoing, American Blind requests that the Court grant its Motion to Strike
14 Google Inc.’s Reply in Support of its Objections to Magistrate Judge’s Order Compelling
15 Deposition of Google Co-founder and President Larry Page.

16 Dated: October 16, 2006

17 HOWREY LLP

18
19
20 By: /s/ Ethan B. Andelman
ROBERT N. PHILLIPS
ETHAN B. ANDELMAN

21
22 David A. Rammelt
Susan J. Greenspon
KELLEY DRYE & WARREN LLP
23 333 West Wacker Drive, Suite 2600
24 Chicago, IL 60606

25 Attorneys for Defendant/Counter-Plaintiff
26 AMERICAN BLIND AND WALLPAPER
27 FACTORY, INC.
28