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6 Attorneys for Plaintiff and Counter Defendant  
 7 GOOGLE INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11 GOOGLE INC., a Delaware corporation,  
 12  
 Plaintiff,  
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 v.  
 14 AMERICAN BLIND & WALLPAPER  
 15 FACTORY, INC., a Delaware corporation  
 d/b/a decoratetoday.com, Inc., and DOES 1-  
 16 100, inclusive,  
 17 Defendants.

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

**GOOGLE'S NOTICE OF MOTION AND  
 MOTION FOR TERMINATING,  
 EVIDENTIARY, AND MONETARY  
 SANCTIONS AGAINST ABWF FOR  
 SPOILIATION OF EVIDENCE**

Date: January 30, 2007  
 Time: 9:00 a.m.  
 Courtroom: 3, 5th Floor  
 Judge: Hon. Jeremy Fogel

18 AMERICAN BLIND & WALLPAPER  
 19 FACTORY, INC., a Delaware corporation  
 d/b/a decoratetoday.com, Inc.,  
 20  
 Counter-Plaintiff,  
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 v.  
 22 GOOGLE INC.,  
 23  
 Counter-Defendant.  
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1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Plaintiff and Counter-Defendant Google Inc. (“Google”) hereby gives notice to all  
3 counsel of record of its Motion for Terminating, Evidentiary, and Monetary Sanctions Against  
4 American Blind & Wallpaper Factory, Inc. (“ABWF”) for Spoliation of Evidence. By way of  
5 this motion, Google requests an order either dismissing ABWF’s claims against Google or  
6 imposing evidentiary sanctions against ABWF. In either event, Google requests that relief  
7 include monetary sanctions. This motion is based on this Notice of Motion, the accompanying  
8 Memorandum of Points and Authorities and the authorities cited therein, the accompanying  
9 Declaration of Ajay S. Krishnan, and the Court’s file and such argument as may be presented at  
10 the hearing on this motion.

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Dated: December 26, 2006

KEKER & VAN NEST

By: /s/ Ajay S. Krishnan  
AJAY S. KRISHNAN  
Attorneys for Plaintiff and Counter  
Defendant GOOGLE INC.