

1 KEKER & VAN NEST, LLP
 MICHAEL H. PAGE - #154913
 2 MARK A. LEMLEY - #155830
 KLAUS H. HAMM - #224905
 3 AJAY S. KRISHNAN - #222476
 710 Sansome Street
 4 San Francisco, CA 94111-1704
 Telephone: (415) 391-5400
 5 Facsimile: (415) 397-7188

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,
 13 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)

**[PROPOSED] ORDER RE GOOGLE'S
 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,
 21 v.
 22 GOOGLE INC.,
 23 Counter-Defendant.
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1 Plaintiff and counter-defendant Google Inc.’s (“Google”) Motion for Terminating,
2 Evidentiary, and Monetary Sanctions Against American Blind and Wallpaper Factory, Inc.
3 (“ABWF”) for Spoliation of Evidence was heard by this Court on January 30, 2007, at 9:00 a.m.
4 Upon reviewing the papers submitted by the parties, hearing the argument of counsel, and good
5 cause appearing therefor, Google’s motion is GRANTED.

6 In light of ABWF’s spoliation of evidence, each and every one of ABWF’s causes of
7 action is DISMISSED.

8 [Alternatively:]

9 In light of ABWF’s spoliation of evidence, preclusion and adverse inference sanctions
10 shall issue on each of the following factual issues raised in this case: _____.
11 The precise wording of the preclusion and adverse inferences instruction will be determined
12 prior to trial.

13 As a monetary sanction for spoliation of evidence, ABWF shall pay Google’s costs and
14 reasonable attorneys fees for bringing this motion. Google shall submit to ABWF an assessment
15 of its fees no later than _____, 2007.

16 IT IS SO ORDERED.

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Dated: _____, 2007

Hon. Jeremy Fogel
Judge of the United States District Court