

# **EXHIBIT B**

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**From:** Rose Hagan [hagan@google.com]  
**Sent:** Thursday, September 26, 2002 9:41 AM  
**To:** bills@decoratetoday.com  
**Cc:** Lbalkovich@Google.Com  
**Subject:** Keywords

Dear Bill:

This follows our telephone conversation today. As we discussed, Google would be able to prevent others from using as keywords your trademarks "American Blind and Wallpaper Factory," "American Blind Factory" and "DecorateToday." However, we could not prevent people from using the descriptive terms American blind, American wallpaper, or other formatives. In addition, due to Google's broad matching algorithm, ads with the keyword "blind" or "wallpaper" may appear when someone runs a search for "American Blind and Wallpaper Factory."

I hope this is helpful. Please let us know if you have questions.

Sincerely,

Rose A. Hagan  
Senior Trademark Counsel  
Google  
2400 Bayshore Pkwy  
Mountain View, CA 94043  
Phone: 650-330-0100 ext. 1560  
Fax: 650-618-1806  
Email: hagan@google.com

-----Original Message-----

From: Manishin, Glenn  
Sent: Friday, January 10, 2003 12:52 PM  
To: Kulpreet Rana (kulpreet@google.com)  
Subject: FW: American Blind and Wallpaper Factory, Inc.

FYI. I sent this to Miriam as she told me it's her bailiwick at Google.

Best regards,

Glenn

-----Original Message-----

From: Manishin, Glenn  
Sent: Friday, January 10, 2003 12:51 PM  
To: Miriam Rivera (miriam@google.com)  
Cc: Greenspon, Susan  
Subject: American Blind and Wallpaper Factory, Inc.

Miriam:

You may recall our conversation last Summer about Google's sale of paid-links in connection with a client of Kelley Drye's Chicago office, American Blind and Wallpaper Factory, Inc. d/b/a decoratetoday.com, Inc. ("ABWF"). Since it was in both our interests to avoid a conflict, you explained that Google routinely deals with situations in which a third-party claims a trademark right to a certain mark by ceasing sales of links using that mark to others.

That was the understanding of my Chicago Partner, Susan Greenspon, who traded voicemails with Kulpreet in connection with correspondence from ABWF to Google dated 7/23/02.

This message is to ask that you look into this situation again. Susan is informed by ABWF that Google is still selling sponsored links to eBay and USAWallpaper.com using the keywords "American Blind and Wallpaper Factory," which are registered trademarks of ABWF. As my I explained on the phone, we hope this can be resolved, per what I understand is Google's customary practice, without the need for any formal cease-and-desist demands or other unpleasantness.

I've copied Susan Greenspon on this e-mail; she can be reached at (312) 857-7080 if you need further information or would like to discuss the matter directly.

Thanks in advance for your cooperation and assistance.

Glenn

Glenn B. Manishin  
Kelley Drye & Warren LLP  
gmanishin@kelleydrye.com  
AIM -- GMan55  
AccuCard -- <https://www.cardscan.net/v/?id=983B3S/j4nLaAn8nkvw1Pvv17g=>

**Outgoing Message**

Actions ▾

**From:** "AdWords Support" <adwords-support@google.com>**To:** joe.charno@decoratetoday.com**Date:** Wed, 27 Aug 2003 22:20:54 -0700**Local:** Wed, Aug 27 2003 10:20 pm**Duration:** 3:01 minutes**Subject:** [#3566164] Google AdWords Trademark Complaint

Hello Joe,

Thank you for notifying us of a possible improper use of your trademark in certain Google AdWords ads. As stated in our Terms and Conditions, advertisers are responsible for the keywords and ad text that they choose to use. As a courtesy to trademark owners, however, we do investigate such matters.

When we receive a complaint from a trademark owner, we first determine what ads appear when the trademarked term is entered as a search query on Google. We review the content of those ads to ensure that they are not misleading or improperly using the trademark as a keyword trigger. If they are, we disable those keywords from the ad campaign. We believe this represents a fair balance of each party's interests.

In this instance, we searched with your trademark, 'American Blind Factory' and determined that the ad in question does use your trademark as a keyword trigger. Rather, this ad appears when 'Blind Factory' is entered as a search query. This ad is not using your trademarked term as a keyword trigger; but using 'Blind Factory' as a keyword trigger.

We believe it is appropriate for this ad to be triggered if the non-trademarked term 'Blind Factory' is entered as part of a search query. Accordingly, we will take no further action.

We do, however, review the content of such ads to ensure that they do not mislead others into believing they correspond to the trademark owner's company. After all, it is not our intention to display misleading ads. In this particular case, we have not found that to be an issue.

Please feel free to email us at [adwords-support@google.com](mailto:adwords-support@google.com) if you have additional questions or concerns.

Sincerely,  
The Google AdWords Team

----- Forwarded message -----

From: Manishin, Glenn <gmanishin@kelleydrye.com>  
Date: Wed Nov 12 11:38:08 PST 2003  
Subject: FW: American Blind and Wallpaper Factory, Inc.  
To: kulpreet@google.com, amac@google.com

Kulpreet, Alex:

This is the situation referenced in my voicemails to Kulpreet. The failure to take down the search ad listings sold to third-parties for American Blind's registered trademarks seems to directly contradict Google's posted Trademark Complaint Procedures ([http://www.google.com/tm\\_complaint.html](http://www.google.com/tm_complaint.html)). Our client is quite upset about the matter, which has been at issue for more than a year without progress, and has asked us to prepare a Vuitton-type lawsuit if the matter cannot be resolved. I of course would like to avoid

that; we value Google as a client and very much hope we can continue to represent you on other matters in the future.

Please call me to discuss.

Thanks much.

Glenn

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Kelley Drye & Warren LLP  
gmanishin@kelleydrye.com  
AIM -- GMan55  
AccuCard -- <https://www.cardscan.net/v/?id=983B3S/j4nLaAn8nkww1Pvv17g=>