

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 GOOGLE INC., a Delaware corporation,

14 Plaintiff,

15 v.

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

19 Defendants.

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

22 Counter-Plaintiff,

23 v.

24 GOOGLE, INC.

25 Counter-Defendants.
 26
 27
 28

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

**AMERICAN BLIND AND WALLPAPER
 FACTORY, INC.'S NOTICE OF MOTION
 AND MOTION TO EXCLUDE EXPERT
 TESTIMONY OF DR. ITAMAR
 SIMONSON**

Date: March 16, 2007
 Time: 9:00 a.m.
 Courtroom: 3, 5th Floor
 Judge: Hon. Jeremy Fogel

1 PLEASE TAKE NOTICE that on March 16, 2007 or as soon as counsel may be heard,
2 Defendant/Counter-Plaintiff American Blind & Wallpaper Factory, Inc. (“American Blind”) will
3 and hereby does move this Court for an order pursuant to Federal Rules of Evidence 104(a), 402,
4 403 and 702 to exclude the testimony of an expert disclosed by Plaintiff/Counter-Defendant
5 Google, Inc. (“Google”) on the grounds that the proposed expert, Dr. Itamar Simonson
6 (“Simonson”), does not provide admissible, properly grounded testimony concerning the issues in
7 this case.
8

9 The motion will be based on this Notice and Motion, American Blind and Wallpaper
10 Factory, Inc.’s Evidentiary Objections to Expert Report of Dr. Itamar Simonson Submitted in
11 Support of Its Motion for Summary Judgment and the accompanying exhibits thereto, the
12 pleadings and papers on file in this action, the arguments of counsel, and upon such other
13 evidence as may be presented at the hearing on this matter.
14

15
16 Dated: January 26, 2007

17 HOWREY LLP

18
19 By: /s/ Robert N. Phillips
20 ROBERT N. PHILLIPS

21 David A. Rammelt (Admitted *Pro Hac Vice*)
22 Susan J. Greenspon (Admitted *Pro Hac Vice*)
23 KELLEY DRYE & WARREN LLP
333 West Wacker Drive, Suite 2600
Chicago, IL 60606

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