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16 American Blind and Wallpaper Factory, Inc.

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 GOOGLE INC., a Delaware corporation,  
20 Plaintiff,  
21 v.

22 AMERICAN BLIND & WALLPAPER  
23 FACTORY, INC., a Delaware corporation  
24 d/b/a decoratetoday.com, Inc., and DOES  
25 1-100, INCLUSIVE,  
26 Defendant.

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

Counter-Plaintiff,

v.

GOOGLE, INC.,

Counter-Defendant.

CASE NO. C 03-5340 JF (RS)

**NOTICE OF ADDITIONAL EVIDENCE  
TO BE RELIED UPON AT ORAL  
ARGUMENT**

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

1 TO THE COURT AND ALL COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT, at the oral argument on Google's pending motion for  
3 summary judgment, currently scheduled to be held on February 16, 2007 at 9:00 a.m., American  
4 Blind intends to rely on the following evidence in addition to the evidence submitted  
5 concurrently with its opposition brief, in order to respond to arguments and evidence presented  
6 by Google for the first time in its reply brief:

7  
8 **EVIDENCE CURRENTLY OF RECORD**

- 9 • Dkt. No. 128, Ex. B (filed under seal as Dkt. No. 135): Documents bates labeled  
10 GGLE0020905-0021227 on CD labeled GGLE0003.

11  
12 **EVIDENCE NOT CURRENTLY OF RECORD**

- 13 • Deposition transcript of Jeffrey A. Alderman. (Filed as Dkt No. 293, Ex. 1).  
14 • Deposition transcript of Prashant Fuloria taken in the *GEICO v. Google* case,  
15 pages 138, 147, 160-61, 195-96 (to be filed in the record under seal as soon as  
16 possible).

17 Dated: February 16, 2007

HOWREY LLP

19 By: /s/ Robert N. Phillips  
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