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8  
 9 Attorneys for Third-Party Defendants  
 10 AMERICA ONLINE, INC.,  
 11 NETSCAPE COMMUNICATIONS  
 12 CORPORATION, and COMPUSERVE  
 13 INTERACTIVE SERVICES, INC.

14  
 15 IN THE UNITED STATES DISTRICT COURT  
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 17  
 18 SAN JOSE DIVISION

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

22 v.

23 AMERICAN BLIND & WALLPAPER  
 24 FACTORY, INC., a Delaware corporation d/b/a  
 25 decoratetoday.com, Inc., and DOES 1-100,  
 26 INCLUSIVE,  
 27  
 28 Defendants.

Case No. C 03-5340 JF (EAI)

**[PROPOSED] ORDER GRANTING  
 THIRD-PARTY DEFENDANTS  
 AMERICA ONLINE, INC.'S, NETSCAPE  
 COMMUNICATIONS CORPORATION'S,  
 AND COMPUSERVE INTERACTIVE  
 SERVICES, INC.'S MOTION TO  
 DISMISS THIRD-PARTY CLAIMS**

Date: September 17, 2004  
 Time: 9:00 a.m.  
 Place: Courtroom 3, 5th Floor

AMERICAN BLIND & WALLPAPER  
 FACTORY, INC., a Delaware corporation d/b/a  
 decoratetoday.com, Inc.,  
 Counter-Claimant,

Honorable Jeremy Fogel

v.

GOOGLE, INC., AMERICA ONLINE, INC.,  
 NETSCAPE COMMUNICATIONS  
 CORPORATION, COMPUSERVE  
 INTERACTIVE SERVICES, INC., ASK  
 JEEVES, INC., and EARTHLINK, INC.,  
 Counter-Defendants/  
 Third-Party Defendants.

1 Third-Party Defendants America Online, Inc.'s, Netscape Communications Corporation's,  
2 and CompuServe Interactive Services, Inc.'s Motion to Dismiss Third-Party Claims in the above-  
3 captioned action ("Motion to Dismiss Third-Party Claims") came on regularly for hearing before the  
4 Honorable Jeremy Fogel on September 17, 2004, in Courtroom 3 on the Fifth Floor of the San Jose  
5 Division of the above-captioned Court. All parties appeared and were represented at the hearing by  
6 and through their respective counsel of record.

7 Having considered all papers filed by the parties in favor of and in opposition to the Motion  
8 to Dismiss Third-Party Claims, the arguments of counsel appearing at the hearing on this matter, and  
9 all other matters deemed to be appropriate by the Court, and good cause appearing therefor,

10 IT IS HEREBY ORDERED that the Motion to Dismiss Third-Party Claims is GRANTED.

11  
12 DATED: \_\_\_\_\_

\_\_\_\_\_  
13 HONORABLE JEREMY FOGEL  
14 UNITED STATES DISTRICT JUDGE  
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**PROOF OF SERVICE**

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is Taylor & Company Law Offices, Inc., One Ferry Building, Suite 355, San Francisco, California 94111.

On June 23, 2004, I served a true and correct copy of the document(s) described as:

**[PROPOSED] ORDER GRANTING THIRD-PARTY DEFENDANTS AMERICA ONLINE, INC.'S, NETSCAPE COMMUNICATIONS CORPORATION'S, AND COMPUSERVE INTERACTIVE SERVICES, INC.'S MOTION TO DISMISS THIRD-PARTY CLAIMS** on the following interested parties in this action:

Mr. Michael H. Page  
Mr. Mark A. Lemley  
Mr. Ravind S. Grewal  
Keker & Van Nest, LLP  
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San Francisco, CA 94111  
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**Counsel for Google Inc., Ask Jeeves, Inc., and Earthlink, Inc.**

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**Counsel for American Blind & Wallpaper Factory, Inc.**

Mr. David A. Rammelt  
Ms. Susan J. Greenspon  
Ms. Dawn M. Beery  
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**Counsel for American Blind & Wallpaper Factory, Inc.**

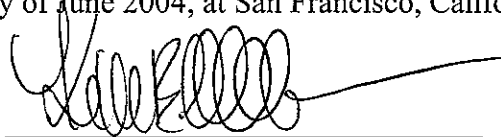
1           **[ X ] [BY US MAIL, CCP § 1013a(3)]** I caused the foregoing document(s) to be enclosed  
2 in a sealed envelope, with first class postage fully paid, for delivery on the individuals identified above  
3 as indicated herein. I am “readily familiar” with the firm’s practice of collection and processing  
4 correspondence for mailing and know that, in the ordinary course of Taylor & Company Law Offices,  
5 Inc.’s business practice, the document(s) described above would be deposited with the United States  
6 Postal Service on that same day at San Francisco, California, in the ordinary course of business. I am  
7 aware that on motion of the party served, service is presumed to be invalid if the postal cancellation  
8 date, or postage meter date, is more than one day after the date of deposit for mailing set forth in this  
9 declaration.

10           **[ ] [BY FACSIMILE, CCP § 1013(e)]** I caused the foregoing document(s) to be  
11 transmitted by facsimile to the offices of the addressees indicated above at the facsimile numbers listed  
12 for each addressee served. Upon completion of said facsimile transmission, the transmitting machine  
13 issued a transmission report showing that the transmission was complete and without error.

14           **[ ] [BY OVERNIGHT DELIVERY, CCP § 1013(d)]** I caused delivery of the  
15 document(s) listed above to be effected by overnight mail, by placing true and correct copies in  
16 separate envelopes for each addressee shown above, with the name and address of the person served  
17 shown on the envelope, and by sealing the envelope and placing it for collection. Delivery fees were  
18 paid or provided for in accordance with the ordinary business practices of Taylor & Company Law  
19 Offices, Inc.

20           **[ ] [BY PERSONAL SERVICE, CCP § 1011(a)]** I caused the foregoing document(s) to  
21 be served by hand on the following individual(s) as indicated on the “Declaration of Personal Service”  
22 attached hereto as Exhibit A. The person who delivered a true and correct copy of such document(s) to  
23 the person(s) identified below is identified in Exhibit A attached hereto.

24           I declare under penalty of perjury, under the laws of the United States of America, that the  
25 foregoing is true and correct. Executed this 23rd day of June 2004, at San Francisco, California.

26 

27 Kellie B. Mickelson