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 6 GOOGLE INC. and Third-Party Defendants  
 ASK JEEVES, INC. and EARTHLINK, INC.  
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 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
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12 GOOGLE INC., a Delaware corporation,

13 Plaintiff,

14 v.

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

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

21 Counterclaimant,

22 v.

23 GOOGLE INC., AMERICA ONLINE, INC.,  
 NETSCAPE COMMUNICATIONS  
 CORPORATION, COMPUSERVE  
 24 INTERACTIVE SERVICES, INC., ASK  
 JEEVES, INC., and EARTHLINK, INC.,  
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26 Counterdefendants/  
 Third-Party Defendants.  
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Case No. C 03-5340-JF (EAI)

**STATEMENT OF RECENT DECISION  
 RE PENDING MOTION TO DISMISS  
 COUNTERCLAIMS AND THIRD-PARTY  
 CLAIMS**

Date: December 21, 2004  
 Judge: Hon. Jeremy Fogel

1 Pursuant to Local Rule 7-3(d), Plaintiff and Counterdefendant Google Inc. (“Google”)  
2 gives notice to the Court that Judge Leonie Brinkema, in *Gov’t Employees Ins. Co. v. Google*  
3 *Inc.*, Civil Action No. 1:04cv507 (E.D. Va.), recently granted judgment as a matter of law in  
4 Google’s favor on the plaintiff’s claim that Google’s use of its trademark as an advertising  
5 keyword violates the Lanham Act. Google attaches as Exhibit A the relevant portions of a  
6 December 15, 2004 hearing in the *Gov’t Employees* case at which Judge Brinkema entered her  
7 oral ruling. Google will submit Judge Brinkema’s written decision to the Court as soon as it is  
8 available.

9 Dated: December 21, 2004

KEKER & VAN NEST, LLP

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By: /S/ Ravind S. Grewal  
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GOOGLE INC. and Third-Party Defendants  
ASK JEEVES, INC. and EARTHLINK, INC.