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November 22, 2005

VIA FACSIMILE

Klaus Hamm
Keker & Van Nest
710 Sansome Street
San Francisco, California 94111

Re: *Google Inc. v. American Blind & Wallpaper Factory, Inc.*
Case No. C 03-5340-JF (EAI)

Dear Klaus:

This responds to your letter of November 8, 2005, concerning markings on documents produced by Google in the above-referenced litigation. Prior to filing any kind of a motion with the Court, I wanted to discuss Google's position with you in more detail.

As you know, several weeks ago we identified for you several instances in which documents produced by Google in this case were affixed with the "Confidential – Attorneys' Eyes Only" designation that, upon our review, do not appear to qualify in good faith for that level of heightened protection under the Stipulated Protective Order entered September 19, 2005 ("Stipulated Order") in this case. As I understand your response, these documents – whether marked "Confidential – Attorneys' Eyes Only" or otherwise – were not designated in accordance with the terms of our Stipulated Order, but rather retain the left-over markings from a protective order entered in another lawsuit. Indeed, we understand you to be telling us that the overwhelming bulk of documents produced to us by Google in this case have been affixed with confidentiality designations that do not conform to the actual terms of our Stipulated Order, which you may recall was the product of months of negotiations between the parties.

Since Google admits that documents presently bearing the label "Confidential – Attorneys' Eyes Only" do not really rise to that level of confidentiality, we are faced with a conundrum: either



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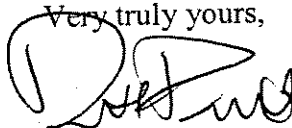
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we treat nothing as "Attorneys' Eyes Only" in this case, or we are forced to wade through tens, if not hundreds, of thousands of pages of Google documents and guess whether they would qualify (in good faith) for such a designation in this case. In fairness, this is not our burden.

Accordingly, we ask that you revisit Google's production and make the confidentiality designations that are appropriate under our Stipulated Order. Alternatively, you may treat this letter as challenging all documents containing the "Confidential – Attorneys' Eyes Only" designation as not properly designated. Although the terms of the Stipulated Order require a written response on this issue within five days, we appreciate that Michael is out of town and that the Thanksgiving holiday is upon us, so we would ask that you respond by Monday or Tuesday of next week.

Please contact me at your earliest convenience to discuss this further.

Very truly yours,

A handwritten signature in black ink, appearing to read "David A. Rammelt", written over a circular stamp or mark.

David A. Rammelt

DAR/sfd