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1 KEKER & VAN NEST, LLP  
 2 MICHAEL H. PAGE - #154913  
 3 MARK A. LEMLEY - #155830  
 4 KLAUS H. HAMM - #224905  
 5 710 Sansome Street  
 6 San Francisco, CA 94111-1704  
 7 Telephone: (415) 391-5400  
 8 Facsimile: (415) 397-7188

9 Attorneys for Plaintiff and Counter Defendant  
 10 GOOGLE INC. and Third-Party Defendants  
 11 ASK JEEVES, INC. and EARTHLINK, INC.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 GOOGLE INC., a Delaware corporation,  
 15 Plaintiff,

16 v.

17 AMERICAN BLIND & WALLPAPER  
 18 FACTORY, INC., a Delaware corporation  
 19 d/b/a decoratetoday.com, Inc. and DOES 1-  
 20 100, inclusive,

21 Defendants.

22 AMERICAN BLIND & WALLPAPER  
 23 FACTORY, INC., a Delaware corporation  
 24 d/b/a decoratetoday.com, Inc.,

25 Counter Plaintiff,

26 v.

27 GOOGLE INC., AMERICA ONLINE, INC.,  
 28 NETSCAPE COMMUNICATIONS  
 CORPORATION, COMPUSERVE  
 INTERACTIVE SERVICES, INC., ASK  
 JEEVES, INC., and EARTHLINK, INC.,

Counter Defendant/  
 Third-Party Defendants.

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

**PLAINTIFF AND COUNTER-  
 DEFENDANT GOOGLE INC.'S  
 RESPONSES AND OBJECTIONS TO  
 AMERICAN BLIND & WALLPAPER  
 FACTORY, INC.'S FIRST SET OF  
 REQUESTS FOR PRODUCTION OF  
 DOCUMENTS AND THINGS FROM  
 GOOGLE, INC.**

Google's Response  
 First Set of Requests



American Blind's  
 Documents And Things  
 (AI)

1 Pursuant to Federal Rules of Civil Procedure 26 and 34 and Local Civil Rule 26, Plaintiff  
2 and Counter-Defendant Google Inc. ("Google") hereby objects to Defendant and Counter-  
3 Plaintiff American Blind & Wallpaper Factory, Inc.'s ("American Blind") First Set of Requests  
4 For Production of Documents and Things From Google, as follows:

5 **GENERAL OBJECTIONS**

6 1. Google objects to each instruction, definition, or request for production that  
7 attempts to impose any requirement or discovery obligation greater than or different from those  
8 imposed by the Federal Rules of Civil Procedure or any applicable rules or orders of the Court.  
9 Google will not comply with any attempt to impose obligations not compelled by the foregoing  
10 provisions.

11 2. Google objects to American Blind's definition of the phrase "AdWords Program"  
12 as "the advertising program described by Google at the Web site *adwords.google.com*," on the  
13 ground that the definition is vague, ambiguous, and overbroad.

14 3. Google objects to American Blind's definition of the words "Keyword" and  
15 "Keywords" as having "the same meaning as the term 'keyword' or 'search query' used by  
16 Google as part of its AdWords Program," on the ground that the definition is vague, ambiguous,  
17 and overbroad.

18 4. Google objects to American Blind's definition of the phrase "American Blind  
19 Marks" as "shall include any one of, and all of, the terms American Blind & Wallpaper Factory,  
20 American Blind Factory, American Blind, American Blinds, Decoratetoday, decoratetoday  
21 and/or decoratetoday.com" on the ground that the definition is vague, ambiguous, and overbroad,  
22 and to the extent that the term "American Blind Marks" ascribed any legal significance to these  
23 terms.

24 5. Google objects to the Document Requests to the extent they seek information  
25 protected by the attorney-client privilege, the work-product doctrine, or any other applicable  
26 protection from disclosure. Any inadvertent disclosure of such information does not constitute a  
27 waiver of any such privilege or protection.

28 6. Google objects to the Document Requests to the extent they are oppressive,

1 overly broad, unduly burdensome, or not reasonably calculated to lead to the discovery of  
2 admissible evidence.

3 7. Google objects to these Document Requests to the extent they purport to request  
4 information that is readily obtainable from American Blind or from other sources which are less  
5 burdensome or less expensive.

6 8. Google objects to these Document Requests to the extent they purport to give  
7 meaning or legal significance to a document, fact or purported fact, whose meaning or  
8 significance is the subject of dispute between the parties. Google's responses to these Document  
9 Requests will not constitute any admissions or concessions to the definitions used in the  
10 Document Requests.

11 9. Google objects to these Document Requests to the extent they seek confidential  
12 and/or proprietary information. Google will not produce any documents containing such  
13 information until an appropriate protective order has been entered in this lawsuit.

14 10. Google reserves the right to use or introduce, for any hearing or trial, information  
15 not known to exist at this time, including information obtained through discovery in this  
16 litigation.

17 11. Google incorporates these General Objections into each specific objection below.  
18 A specific objection may restate an objection for emphasis or some other reason. The failure to  
19 restate any General Objection in a specific objection shall not constitute a waiver of the  
20 objection.

### 21 DOCUMENT REQUESTS

#### 22 REQUEST FOR PRODUCTION NO. 1:

23 All documents referring or relating to the marketing, bidding, sale or other use of any of  
24 the American Blind Marks in connection with the AdWords Program.

#### 25 RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

26 Google objects to this request to the extent it seeks confidential and proprietary  
27 information. Google will not produce any documents containing such information until an  
28

1 appropriate protective order has been entered in this lawsuit. Google further objects to this  
2 request on the ground that the phrase "marketing, bidding, sale or other use" is vague and  
3 ambiguous. Google further objects to this request on the ground that it is compound, overbroad,  
4 and unduly burdensome. Google further objects to this request to the extent that it seeks  
5 information neither relevant to the claim or defense of any party, nor reasonably calculated to  
6 lead to the discovery of admissible evidence.

7 Subject to the foregoing objections, Google will produce non-privileged documents  
8 within its possession that are responsive to this request, to the extent such documents exist.

9 **REQUEST FOR PRODUCTION NO. 2:**

10 All documents referring or relating to the use of the American Blind Marks as Keywords,  
11 search terms or AdWords in the AdWords Program.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

13 Google objects to this request to the extent it seeks confidential and proprietary  
14 information. Google will not produce any documents containing such information until an  
15 appropriate protective order has been entered in this lawsuit. Google further objects to this  
16 request on the ground that the phrases "search terms" and "AdWords" are vague and ambiguous.  
17 Google further objects to this request on the ground that it is compound, overbroad and unduly  
18 burdensome.

19 Subject to the foregoing objections, Google will produce non-privileged documents  
20 within its possession that are responsive to this request, to the extent such documents exist.

21 **REQUEST FOR PRODUCTION NO. 3:**

22 All documents that refer to the selling or marketing of trademarks in connection with the  
23 AdWords Program.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

25 Google objects to this request to the extent it seeks confidential and proprietary  
26 information. Google will not produce any documents containing such information until an  
27 appropriate protective order has been entered in this lawsuit. Google further objects to this  
28

1 request on the ground that the phrase "selling or marketing of trademarks" is vague and  
2 ambiguous. Google further objects to this request on the ground that it is compound, overbroad,  
3 and unduly burdensome. Google further objects to this request to the extent that it seeks  
4 documents protected from disclosure by the attorney-client privilege or work-product doctrine.  
5 Google further objects to this request to the extent that it seeks information neither relevant to the  
6 claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
7 evidence. In particular, Google objects to the extent this request calls for any documents relating  
8 to foreign trademarks.

9 Subject to the foregoing objections, Google will produce non-privileged documents  
10 within its possession, if any, that are responsive to this request.

11 **REQUEST FOR PRODUCTION NO. 4:**

12 All documents referring or relating to Google's suggestions, recommendations or other  
13 communications to its advertising customers that they consider the use or purchase of one or  
14 more of the American Blind Marks as Keywords, search terms or AdWords.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

16 Google objects to this request to the extent it seeks confidential and proprietary  
17 information. Google will not produce any documents containing such information until an  
18 appropriate protective order has been entered in this lawsuit. Google further objects to this  
19 request on the ground that the phrases "suggestions, recommendations or other  
20 communications," "advertising customers," "search terms," and "AdWords" are vague and  
21 ambiguous. Google further objects to this request on the ground that it is compound, overbroad,  
22 and unduly burdensome.

23 Subject to the foregoing objections, Google will produce non-privileged documents  
24 within its possession, if any, that are responsive to this request.

25 **REQUEST FOR PRODUCTION NO. 5:**

26 All documents directed to or received from Google's sales or account representatives  
27 referring to the selling or marketing of trademarks in general, or the American Blind Marks in  
28



1 particular, as Keywords, search terms or AdWords.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

3 Google objects to this request to the extent it seeks confidential and proprietary  
4 information. Google will not produce any documents containing such information until an  
5 appropriate protective order has been entered in this lawsuit. Google further objects to this  
6 request on the ground that the phrases "selling or marketing," "search terms," and "AdWords"  
7 are vague and ambiguous. Google further objects to this request on the ground that it is  
8 compound. Google further objects to this request on the ground that it is overbroad and unduly  
9 burdensome to the extent that it requests documents related to the "selling or marketing of  
10 trademarks" other than the American Blind Marks. Google further objects to this request to the  
11 extent that it seeks documents protected from disclosure by the attorney-client privilege or work-  
12 product doctrine. Google further objects to this request to the extent that it seeks information  
13 neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the  
14 discovery of admissible evidence. In particular, Google objects to the extent this request calls  
15 for any documents relating to foreign trademarks.

16 Subject to the foregoing objections, Google will produce non-privileged documents  
17 within its possession, if any, related to the selling or marketing of the American Blind Marks as  
18 keyword triggers.

19 **REQUEST FOR PRODUCTION NO. 6:**

20 All documents referring or relating to the selection, use or purchase of one or more of the  
21 American Blind Marks as Keywords, search terms or AdWords by Google's advertising  
22 customers.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

24 Google objects to this request to the extent it seeks confidential and proprietary  
25 information. Google will not produce any documents containing such information until an  
26 appropriate protective order has been entered in this lawsuit. Google further objects to this  
27 request on the ground that the phrases "selection, use or purchase," "search terms," and  
28

1 “AdWords” are vague and ambiguous. Google further objects to this request on the ground that  
2 it is compound and unduly burdensome. Google further objects to this request to the extent that  
3 it seeks documents protected from disclosure by the attorney-client privilege or work-product  
4 doctrine.

5 Subject to the foregoing objections, Google will produce non-privileged documents  
6 within its possession, if any, that are responsive to this request.

7 **REQUEST FOR PRODUCTION NO. 7:**

8 All documents referring to, reflecting, or relating to communications between Google and  
9 any third person regarding Google’s sale of that party’s trademarks as Keywords, including but  
10 not limited to cease and desist letters received by Google from trademark owners.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

12 Google objects to this request to the extent it seeks confidential and proprietary  
13 information. Google will not produce any documents containing such information until an  
14 appropriate protective order has been entered in this lawsuit. Google further objects to this  
15 request on the ground that it is vague and ambiguous. Google further objects on the ground that  
16 its request for communications about trademarks other than any trademarks that comprise the  
17 American Blind Marks renders it overbroad and unduly burdensome. Google further objects to  
18 this request to the extent that it seeks documents protected from disclosure by the attorney-client  
19 privilege or work-product doctrine. Google further objects to this request to the extent that it  
20 seeks information neither relevant to the claim or defense of any party, nor reasonably calculated  
21 to lead to the discovery of admissible evidence. In particular, Google objects to the extent this  
22 request calls for any documents relating to foreign trademarks.

23 Subject to the foregoing objections, Google will produce non-privileged documents  
24 within its possession, if any, related to Google communications with American Blind about the  
25 sale of the American Blind Marks as keywords.

26 **REQUEST FOR PRODUCTION NO. 8:**

27 All documents referring to, relating to, or consisting of settlement agreements or any  
28

1 other documents memorializing settlement arrangements between Google and a third-party  
2 relating to Google's sale of the third-party's trademarks as Keywords.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

4 Google objects to this request to the extent it seeks confidential and proprietary  
5 information. Google will not produce any documents containing such information until an  
6 appropriate protective order has been entered in this lawsuit. Google further objects to this  
7 request on the ground that it is vague, ambiguous, overbroad and unduly burdensome. Google  
8 further objects to this request to the extent that it seeks documents protected from disclosure by  
9 the attorney-client privilege or work-product doctrine. Google further objects to this request on  
10 the ground that it seeks the confidential information of third parties. Google further objects to  
11 this request to the extent that it seeks information neither relevant to the claim or defense of any  
12 party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular,  
13 Google objects to the extent this request calls for any documents relating to foreign trademarks.

14 Subject to the foregoing objections, Google will produce documents non-privileged  
15 documents within its possession that are responsive to this request.

16 **REQUEST FOR PRODUCTION NO. 9:**

17 All documents relating or referring to the appearance of any American Blind Mark as one  
18 of the "More Specific Keywords" or "Similar Keywords" in the Google AdWords Keyword  
19 Suggestions part of the Google website.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

21 Google objects to this request to the extent it seeks confidential and proprietary  
22 information. Google will not produce any documents containing such information until an  
23 appropriate protective order has been entered in this lawsuit. Google further objects to this  
24 request on the ground that the phrases "More Specific Keywords," "Similar Keywords," and  
25 "Google AdWords Keyword Suggestions part of the Google website" are vague and ambiguous.  
26 Google further objects to this request on the ground that it is compound and unduly burdensome.  
27 Google further objects to this request to the extent that it seeks documents protected from  
28



1 disclosure by the attorney-client privilege or work-product doctrine.

2 Subject to the foregoing objections, Google will produce non-privileged documents  
3 within its possession, if any, that are responsive to this request.

4 **REQUEST FOR PRODUCTION NO. 10:**

5 All documents referring or relating to any consideration by Google of the possibility of  
6 removing the American Blind Marks from the AdWords Program.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

8 Google objects to this request to the extent it seeks confidential and proprietary  
9 information. Google will not produce any documents containing such information until an  
10 appropriate protective order has been entered in this lawsuit. Google further objects to this  
11 request on the ground that it is vague, ambiguous, and unduly burdensome. Google further  
12 objects to this request to the extent that it seeks documents protected from disclosure by the  
13 attorney-client privilege or work-product doctrine.

14 Subject to the foregoing objections, Google will produce non-privileged documents  
15 within its possession, if any, that are responsive to this request.

16 **REQUEST FOR PRODUCTION NO. 11:**

17 All documents referring or relating to any consideration by Google of the possibility of  
18 prohibiting advertisers or potential advertisers from bidding on, purchasing, or otherwise using  
19 the trademarks of others as part of the AdWords Program.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

21 Google objects to this request to the extent it seeks confidential and proprietary  
22 information. Google will not produce any documents containing such information until an  
23 appropriate protective order has been entered in this lawsuit. Google further objects to this  
24 request on the ground that it is vague, ambiguous, and unduly burdensome. Google further  
25 objects to this request to the extent that it seeks documents protected from disclosure by the  
26 attorney-client privilege or work-product doctrine. Google further objects to this request to the  
27 extent that it seeks information neither relevant to the claim or defense of any party, nor  
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1 reasonably calculated to lead to the discovery of admissible evidence. In particular, Google  
2 objects to the extent this request calls for any documents relating to foreign trademarks.

3 Subject to the foregoing objections, Google will produce non-privileged documents  
4 within its possession, if any, that are responsive to this request.

5 **REQUEST FOR PRODUCTION NO. 12:**

6 All documents that you considered, that reflect, or that otherwise relate to your response  
7 to Interrogatory No. 1.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

9 Google hereby incorporates all objections set forth in its response to Interrogatory No. 1  
10 from American Blind's First Set of Interrogatories To Google. Google further objects to this  
11 request to the extent it seeks confidential and proprietary information. Google will not produce  
12 any documents containing such information until an appropriate protective order has been  
13 entered in this lawsuit. Google further objects to this request on the ground that its use of the  
14 phrase "Interrogatory No. 1" is vague, ambiguous. Google further objects to this request on the  
15 ground that it is overbroad and unduly burdensome. Google further objects to this request to the  
16 extent that it seeks documents protected from disclosure by the attorney-client privilege or work-  
17 product doctrine.

18 Subject to the foregoing objections, Google will produce non-privileged documents  
19 within its possession, if any, that are responsive to this request.

20 **REQUEST FOR PRODUCTION NO. 13:**

21 All documents referring or relating to any financial or other impact on Google that it  
22 identified as a potential outcome of the removal of the American Blind Marks from the AdWords  
23 Program.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

25 Google objects to this request to the extent it seeks confidential and proprietary  
26 information. Google will not produce any documents containing such information until an  
27 appropriate protective order has been entered in this lawsuit. Google further objects to this  
28

1 request on the ground that the phrase "other impact" is vague and ambiguous. Google further  
2 objects to this request on the ground that it is compound, overbroad, and unduly burdensome.  
3 Google further objects to this request to the extent that it seeks documents protected from  
4 disclosure by the attorney-client privilege or work-product doctrine.

5 Subject to the foregoing objections, Google will produce non-privileged documents  
6 within its possession, if any, that are responsive to this request.

7 **REQUEST FOR PRODUCTION NO. 14:**

8 All documents referring or relating to, reflecting, considering, or analyzing any financial  
9 or other impact on Google that it identified as a potential outcome of prohibiting advertisers from  
10 purchasing the trademarks of others as part of the AdWords Program.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

12 Google objects to this request to the extent it seeks confidential and proprietary  
13 information. Google will not produce any documents containing such information until an  
14 appropriate protective order has been entered in this lawsuit. Google further objects to this  
15 request on the ground that the phrase "other impact" is vague and ambiguous. Google further  
16 objects to this request on the ground that it is compound, overbroad and unduly burdensome.  
17 Google further objects to this request to the extent that it seeks documents protected from  
18 disclosure by the attorney-client privilege or work-product doctrine. Google further objects to  
19 this request to the extent that it seeks information neither relevant to the claim or defense of any  
20 party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular,  
21 Google objects to the extent this request calls for any documents relating to foreign trademarks.

22 Subject to the foregoing objections, Google will produce non-privileged documents  
23 within its possession, if any, that are responsive to this request.

24 **REQUEST FOR PRODUCTION NO. 15:**

25 All documents referring or relating to any Google policies, guidelines or other written  
26 guidance concerning the use of trademarks as Keywords, search terms or AdWords in the  
27 AdWords Program, including all documents referring or relating to any change in or  
28

1 modification to such policies, guidelines or other written guidance.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

3 Google objects to this request to the extent it seeks confidential and proprietary  
4 information. Google will not produce any documents containing such information until an  
5 appropriate protective order has been entered in this lawsuit. Google further objects to this  
6 request on the ground that the phrases "policies, guidelines or other written guidance," "search  
7 terms," and "AdWords" are vague and ambiguous. Google further objects to this request on the  
8 ground that it is compound, overbroad, and unduly burdensome. Google further objects to this  
9 request to the extent that it seeks documents protected from disclosure by the attorney-client  
10 privilege or work-product doctrine. Google further objects to this request to the extent that it  
11 seeks information neither relevant to the claim or defense of any party, nor reasonably calculated  
12 to lead to the discovery of admissible evidence. In particular, Google objects to the extent this  
13 request calls for any documents relating to foreign trademarks.

14 Subject to the foregoing objections, Google will produce non-privileged documents  
15 within its possession, if any, that are responsive to this request.

16 **REQUEST FOR PRODUCTION NO. 16:**

17 Documents sufficient to show the revenues and profits, or any estimates of revenues or  
18 profits, earned or expected to be earned by Google from the AdWords Program from its  
19 inception to the date Google produces documents responsive to this request, including  
20 documents that substantiate such earnings and profits.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

22 Google objects to this request to the extent it seeks confidential and proprietary  
23 information. Google will not produce any documents containing such information until an  
24 appropriate protective order has been entered in this lawsuit. Google further objects to this  
25 request on the ground that it is compound, vague, ambiguous, overbroad and unduly  
26 burdensome. Google further objects to this request to the extent that it seeks information neither  
27 relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery  
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1 of admissible evidence.

2 Subject to the foregoing objections, Google will produce non-privileged documents  
3 within its possession, if any, that are responsive to this request.

4 **REQUEST FOR PRODUCTION NO. 17:**

5 All documents relating to any revenues and profits, or any estimates of revenues or  
6 profits earned or expected to be earned by Google from the sale of the American Blind Marks as  
7 Keywords, search terms or AdWords in the AdWords Program.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

9 Google objects to this request to the extent it seeks confidential and proprietary  
10 information. Google will not produce any documents containing such information until an  
11 appropriate protective order has been entered in this lawsuit. Google further objects to this  
12 request on the ground that the phrases "search terms" and "Adwords" are vague and ambiguous.  
13 Google further objects to this request on the ground that it is compound and unduly burdensome.  
14 Google further objects to this request to the extent that it seeks documents protected from  
15 disclosure by the attorney-client privilege or work-product doctrine.

16 Subject to the foregoing objections, Google will produce non-privileged documents  
17 within its possession, if any, that are responsive to this request.

18 **REQUEST FOR PRODUCTION NO. 18:**

19 All documents relating to any revenues and profits, or any estimates of revenues or  
20 profits, earned or expected to be earned by Google from the sale of trademarks as Keywords,  
21 search terms or AdWords in the AdWords Program.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

23 Google objects to this request to the extent it seeks confidential and proprietary  
24 information. Google will not produce any documents containing such information until an  
25 appropriate protective order has been entered in this lawsuit. Google further objects to this  
26 request on the ground that the phrases "search terms" and "AdWords" are vague and ambiguous.  
27 Google further objects to this request on the ground that it is compound, overbroad, and unduly  
28



1 burdensome. Google further objects to this request to the extent that it seeks documents  
2 protected from disclosure by the attorney-client privilege or work-product doctrine. Google  
3 further objects to this request to the extent that it seeks information neither relevant to the claim  
4 or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
5 evidence. In particular, Google objects to the extent this request calls for any documents relating  
6 to foreign trademarks.

7 Subject to the foregoing objections, Google will produce non-privileged documents  
8 within its possession, if any, that are responsive to this request.

9 **REQUEST FOR PRODUCTION NO. 19:**

10 All reports, disclosure statements, and other documents relating to any submission by  
11 Google to any regulatory or governmental agency referring or relating to the AdWords Program.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

13 Google objects to this request to the extent it seeks confidential and proprietary  
14 information. Google will not produce any documents containing such information until an  
15 appropriate protective order has been entered in this lawsuit. Google further objects to this  
16 request on the ground that it is compound, vague, ambiguous, overbroad and unduly  
17 burdensome. Google further objects to this request to the extent that it seeks information neither  
18 relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery  
19 of admissible evidence. Google further objects to this request to the extent that it seeks  
20 information neither relevant to the claim or defense of any party, nor reasonably calculated to  
21 lead to the discovery of admissible evidence. In particular, Google objects to the extent this  
22 request calls for any documents relating to foreign trademarks.

23 Subject to the foregoing objections, Google will produce non-privileged documents  
24 within its possession, if any, that are responsive to this request.

25 **REQUEST FOR PRODUCTION NO. 20:**

26 All non-privileged documents relating to any analysis, review, or consideration of any  
27 legal issue by any person relating in any way to the use of trademarks in the AdWords Program.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that the phrase "analysis, review or consideration of any legal issue" is vague and ambiguous. Google further objects to this request on the ground that it is compound, overbroad, and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine. Google further objects to this request to the extent that it seeks information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular, Google objects to the extent this request calls for any documents relating to foreign trademarks.

Subject to the foregoing objections, Google will produce non-privileged documents within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 21:**

All non-privileged documents referring or relating to any legal opinion obtained by Google regarding the use or inclusion of trademarks as Keywords, search terms or AdWords in Google AdWords Program.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that the phrases "legal opinion," "search terms," and "AdWords" are vague and ambiguous. Google further objects to this request on the ground that it is compound and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine. Google further objects to this request to the extent that it seeks information neither relevant to the

1 claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
2 evidence. In particular, Google objects to the extent this request calls for any documents relating  
3 to foreign trademarks.

4 Subject to the foregoing objections, Google will produce non-privileged documents  
5 within its possession, if any, that are responsive to this request.

6 **REQUEST FOR PRODUCTION NO. 22:**

7 All non-privileged documents referring or relating to any legal opinion obtained by  
8 Google in connection with the change in its AdWords Program to allow use of trademarks as  
9 Keywords, search terms or AdWords.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

11 Google objects to this request as duplicative of Request No. 21. Google further objects to  
12 this request to the extent it seeks confidential and proprietary information. Google will not  
13 produce any documents containing such information until an appropriate protective order has  
14 been entered in this lawsuit. Google further objects to this request on the ground that the phrases  
15 "search terms" and "AdWords" are vague and ambiguous. Google further objects to this request  
16 on the ground that it is unduly burdensome. Google further objects to this request to the extent  
17 that it seeks documents protected from disclosure by the attorney-client privilege or work-  
18 product doctrine. Google further objects to this request to the extent that it seeks information  
19 neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the  
20 discovery of admissible evidence. In particular, Google objects to the extent this request calls  
21 for any documents relating to foreign trademarks.

22 Subject to the foregoing objections, Google will produce non-privileged documents  
23 within its possession, if any, that are responsive to this request.

24 **REQUEST FOR PRODUCTION NO. 23:**

25 All documents on which Google intends to rely to defend against the claims of willful  
26 infringement and other intentional violations of law as alleged by American Blind in this lawsuit.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this requests on the grounds that it is compound, vague, ambiguous, and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine.

Subject to the foregoing objections, Google will produce non-privileged documents within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 24:**

All documents referring or relating to every instance in which any of the American Blind Marks has been offered for sale or has been sold as a Keyword, search term or AdWord in Google AdWords Program.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that the phrases "search term" and "AdWord" are vague and ambiguous. Google further objects to this request on the ground that it is compound and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine.

Subject to the foregoing objections, Google will produce non-privileged documents within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 25:**

All documents referring or relating to every instance in which Google has included one or more of the American Blind Marks as a "More Specific Keywords" or "Similar Keywords" in the Google AdWords Keyword Suggestions.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that the phrases "More Specific Keywords," "Similar Keywords," and "Google AdWords Keyword Suggestions" are vague and ambiguous. Google further objects to this request on the ground that it is compound and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine.

Subject to the foregoing objections, Google will produce non-privileged documents within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 26:**

Documents relating to any instance in which Google has declined to allow an advertiser or AdWords customer to use, or continue to use, another person's trademark as a Keyword, search term or AdWord.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that the phrases "AdWords customer," "search term," and "AdWord" are vague and ambiguous. Google further objects to this request on the ground that it is compound, overbroad, and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine. Google further objects to this request to the extent that it seeks information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular, Google objects to the extent this request calls for any documents relating to foreign trademarks.



1 Subject to the foregoing objections, Google will produce non-privileged documents  
2 within its possession, if any, that are responsive to this request.

3 **REQUEST FOR PRODUCTION NO. 27:**

4 All documents that you considered, that reflect, or that otherwise relate to your response  
5 to Interrogatory No. 2.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

7 Google hereby incorporates all objections set forth in its response to Interrogatory No. 2  
8 from American Blind's First Set of Interrogatories To Google. Google further objects to this  
9 request to the extent it seeks confidential and proprietary information. Google will not produce  
10 any documents containing such information until an appropriate protective order has been  
11 entered in this lawsuit. Google further objects to this request on the ground that its use of the  
12 phrase "Interrogatory No. 2" is vague, ambiguous. Google further objects to this request on the  
13 ground that it is overbroad and unduly burdensome. Google further objects to this request to the  
14 extent that it seeks documents protected from disclosure by the attorney-client privilege or work-  
15 product doctrine.

16 Subject to the foregoing objections, Google will produce non-privileged documents  
17 within its possession, if any, that are responsive to this request.

18 **REQUEST FOR PRODUCTION NO. 28:**

19 To the extent not already produced in response to the preceding requests, for each and  
20 every sponsored listing that has been triggered by one or more of the American Blind Marks, or  
21 that included one or more of the American Blind Marks in the text of the sponsored listing,  
22 documents reflecting:

- 23 • The advertiser responsible for such sponsored listing;
- 24 • The total number of clicks registered on or through each such sponsored listing;  
25 and
- 26 • The total amount of revenue to Google, or if no such documents are available, the  
27 estimated amount of revenue to Google, generated by the total number of clicks  
28 registered on each such sponsored listing.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that the phrases "sponsored listing," "triggered," and "clicks" are vague and ambiguous. Google further objects to this request on the ground that it is compound, overbroad and unduly burdensome.

Subject to the foregoing objections, Google will produce non-privileged documents within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 29:**

To the extent not already produced in response to the preceding requests, for each of the American Blind Marks, documents reflecting the total number of the following, by month and year, when each such mark was used as a Keyword, search term or AdWord, whether alone or in conjunction with other words as part of a search query:

- Impressions;
- Clicks on or through sponsored listings triggered by such search queries; and
- The total number of searches on Google or any third-party website initiated with one or more of the American Blind Marks as one of the words used in the search request.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that the phrases "search term," "AdWord," "Impressions," "Clicks on or through," "searches," and "search request" are vague and ambiguous. Google further objects to this request on the ground that it is compound, overbroad, and unduly burdensome.

Subject to the foregoing objections, Google will produce non-privileged documents within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 30:**

All agreements and amendments or modifications thereto between Google and third party websites or Internet service providers relating or referring to the AdWords Program.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is compound, vague, ambiguous, overbroad, and unduly burdensome. Google further objects to this request to the extent that it seeks information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, Google will produce non-privileged documents within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 31:**

Documents regarding the relationships between Google and each of the Third-Party Defendants in this case.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is compound, vague, ambiguous, overbroad, and unduly burdensome. Google further objects to this request to the extent that it seeks information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections, Google will produce the agreements it has entered into with the Third-Party Defendants.

**REQUEST FOR PRODUCTION NO. 32:**

All documents that refer or relate to correspondence or communications between Google and any expert whom Google intends to call as a witness in connection with this action or any other litigation relating to the AdWords Program.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is compound, vague, ambiguous, overbroad, and unduly burdensome. Google further objects to this request on the ground that it prematurely seeks the identity of potential expert witnesses. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine.

Subject to the foregoing objections, Google will produce non-privileged documents within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 33:**

All documents relied upon or referred to in preparation of Google's response to American Blind's First Set of Interrogatories.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

Google hereby incorporates all objections set forth in its Responses and Objections To American Blind's First Set of Interrogatories. Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is vague, ambiguous, overbroad, and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine.

Subject to the foregoing objections, Google will produce non-privileged documents

1 within its possession, if any, that are responsive to this request.

2 **REQUEST FOR PRODUCTION NO. 34:**

3 All insurance policies or agreements that may be available to satisfy all or part of any  
4 judgment that may be rendered against Google in this matter.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

6 Google objects to this request to the extent it seeks confidential and proprietary  
7 information. Google will not produce any documents containing such information until an  
8 appropriate protective order has been entered in this lawsuit. Google further objects to this  
9 request on the ground that it is vague, ambiguous, overbroad, and unduly burdensome. Google  
10 further objects to this request to the extent that it seeks documents protected from disclosure by  
11 the attorney-client privilege or work-product doctrine.

12 Subject to the foregoing objections, Google will produce non-privileged documents  
13 within its possession, if any, that are responsive to this request.

14 **REQUEST FOR PRODUCTION NO. 35:**

15 All communications between Google and American Blind.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

17 Google objects to this request to the extent it seeks confidential and proprietary  
18 information. Google will not produce any documents containing such information until an  
19 appropriate protective order has been entered in this lawsuit. Google further objects to this  
20 request on the ground that it is vague, ambiguous, overbroad, and unduly burdensome. Google  
21 further objects to this request to the extent that it seeks documents protected from disclosure by  
22 the attorney-client privilege or work-product doctrine. Google further objects to this request on  
23 the ground that it seeks documents that are readily obtainable from American Blind.

24 Subject to the foregoing objections, Google will produce non-privileged documents  
25 within its possession, if any, that are responsive to this request.

26 **REQUEST FOR PRODUCTION NO. 36:**

27 All communications between Google and The Blind Factory or any of its affiliates.  
28



**RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is overbroad, and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine. Google further objects to this request that on the ground that its use of the phrases "The Blind Factory" and "any of its affiliates" is vague and ambiguous.

Subject to the foregoing objections, Google will produce communications with The Blind Factory within its possession, if any, that relate to the American Blind Marks.

**REQUEST FOR PRODUCTION NO. 37:**

All communications between Google and SelectBlinds.com or any of its affiliates.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is overbroad, and unduly burdensome. Google further objects to this request to the extent that it seeks documents protected from disclosure by the attorney-client privilege or work-product doctrine. Google further objects to this request that on the ground that its use of the phrases "SelectBlinds.com" and "any of its affiliates" is vague and ambiguous.

Subject to the foregoing objections, Google will produce communications with SelectBlinds.com within its possession, if any, that relate to the American Blind Marks.

**REQUEST FOR PRODUCTION NO. 38:**

All communications between Google and wallpaperstore.com or any of its affiliates.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an

1 appropriate protective order has been entered in this lawsuit. Google further objects to this  
2 request on the ground that it is overbroad, and unduly burdensome. Google further objects to  
3 this request to the extent that it seeks documents protected from disclosure by the attorney-client  
4 privilege or work-product doctrine. Google further objects to this request that on the ground that  
5 its use of the phrases "wallpaperstore.com" and "any of its affiliates" is vague and ambiguous.

6 Subject to the foregoing objections, Google will produce communications with  
7 wallpaperstore.com within its possession, if any, that relate to the American Blind Marks.

8 **REQUEST FOR PRODUCTION NO. 39:**

9 All communications between Google and Blinds.com or any of its affiliates.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

11 Google objects to this request to the extent it seeks confidential and proprietary  
12 information. Google will not produce any documents containing such information until an  
13 appropriate protective order has been entered in this lawsuit. Google further objects to this  
14 request on the ground that it is overbroad, and unduly burdensome. Google further objects to  
15 this request to the extent that it seeks documents protected from disclosure by the attorney-client  
16 privilege or work-product doctrine. Google further objects to this request that on the ground that  
17 its use of the phrases "Blinds.com" and "any of its affiliates" is vague and ambiguous.

18 Subject to the foregoing objections, Google will produce communications with  
19 Blinds.com within its possession, if any, that relate to the American Blind Marks.

20 **REQUEST FOR PRODUCTION NO. 40:**

21 All documents consisting of, or referring or relating to, Google's communications with  
22 third parties referring or relating to American Blind or American Blind's products.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

24 Google objects to this request to the extent it seeks confidential and proprietary  
25 information. Google will not produce any documents containing such information until an  
26 appropriate protective order has been entered in this lawsuit. Google further objects to this  
27 request on the ground that it is overbroad, and unduly burdensome. Google further objects to  
28

1 this request to the extent that it seeks documents protected from disclosure by the attorney-client  
2 privilege or work-product doctrine. Google further objects to this request that on the ground that  
3 its use of the phrase "American Blind's products" is vague and ambiguous.

4 Subject to the foregoing objections, Google will produce non-privileged documents  
5 within its possession, if any, that are responsive to this request.

6 **REQUEST FOR PRODUCTION NO. 41:**

7 All documents sufficient to show any change in Google's gross or net revenue from the  
8 sale of Keywords between (i) the three-month period preceding Google's sale of trademarks as  
9 Keywords; and (ii) the three-month period immediately after Google began selling trademarks as  
10 Keywords.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

12 Google objects to this request to the extent it seeks confidential and proprietary  
13 information. Google will not produce any documents containing such information until an  
14 appropriate protective order has been entered in this lawsuit. Google further objects to this  
15 request on the ground that it is compound, vague, ambiguous, overbroad, and unduly  
16 burdensome. Google further objects to this request to the extent that it seeks information neither  
17 relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery  
18 of admissible evidence. In particular, Google objects to the extent this request calls for any  
19 documents relating to foreign trademarks.

20 Subject to the foregoing objections, Google will produce non-privileged documents  
21 within its possession, if any, that are responsive to this request.

22 **REQUEST FOR PRODUCTION NO. 42:**

23 All documents consisting of, or referring or relating to, public inquiries regarding Google  
24 trademark policy as it relates to its sale of trademarks as Keywords, including the interpretation  
25 and application of that policy.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

27 Google objects to this request to the extent it seeks confidential and proprietary  
28

1 information. Google will not produce any documents containing such information until an  
2 appropriate protective order has been entered in this lawsuit. Google further objects to this  
3 request on the ground that the phrase "public inquiries" is vague and ambiguous. Google further  
4 objects to this request on the ground that it is compound, overbroad, and unduly burdensome.  
5 Google further objects to this request to the extent that it seeks documents protected from  
6 disclosure by the attorney-client privilege or work-product doctrine. Google further objects to  
7 this request to the extent that it seeks information neither relevant to the claim or defense of any  
8 party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular,  
9 Google objects to the extent this request calls for any documents relating to foreign trademarks.

10 Subject to the foregoing objections, Google will produce non-privileged documents  
11 within its possession, if any, that are responsive to this request.

12 **REQUEST FOR PRODUCTION NO. 43:**

13 All documents sufficient to show the date on which Google changed its policy regarding  
14 use of trademarks in its AdWords program to allow advertisers to select trademarks as Keyword  
15 triggers for their advertisements.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

17 Google objects to this request to the extent it seeks confidential and proprietary  
18 information. Google will not produce any documents containing such information until an  
19 appropriate protective order has been entered in this lawsuit. Google further objects to this  
20 request on the ground that the phrase "Keyword triggers" is vague and ambiguous. Google  
21 further objects to this request on the ground that it is vague, ambiguous and unduly burdensome.  
22 Google further objects to this request to the extent that it seeks information neither relevant to the  
23 claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
24 evidence. In particular, Google objects to the extent this request calls for any documents relating  
25 to foreign trademarks.

26 Subject to the foregoing objections, Google will produce non-privileged documents  
27 within its possession, if any, that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 44:**

All transcripts of depositions, hearings, or other proceedings, Orders entered, and/or documents produced by Google in the case captioned Government Employees Insurance Co. v. Google, Inc., et al., Case No. 1:04cv507 (LMB/TCB) (E.D. Va. filed May 4, 2004).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is overbroad and unduly burdensome. Google further objects to this request to the extent that it seeks information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. Google objects to the production of any documents containing materials designated Attorneys' Eyes Only by parties other than Google on the ground that doing so may cause it to violate the protective order entered in the case captioned Government Employees Insurance Co. v. Google, Inc., et al., Case No. 1:04cv507 (LMB/TCB) (E.D. Va. filed May 4, 2004).

Subject to the foregoing objections, Google will produce non-privileged documents within its possession that are responsive to this request.

**REQUEST FOR PRODUCTION NO. 45:**

All transcripts of depositions, hearings, or other proceedings, Orders entered, and/or documents produced by Google in the case captioned Louis Vuitton v. Google, pending in France and filed on August 6, 2003.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is overbroad and unduly burdensome. Google further objects to this request to the extent that it seeks information neither relevant to the claim or defense of any



1 party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular,  
2 Google objects to the extent this request calls for any documents relating to foreign trademarks.

3 **REQUEST FOR PRODUCTION NO. 46:**

4 All transcripts of depositions, hearings or other proceedings, Orders entered, and/or  
5 documents produced by Google in the case captioned AXA v. Google, pending in France.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

7 Google objects to this request to the extent it seeks confidential and proprietary  
8 information. Google will not produce any documents containing such information until an  
9 appropriate protective order has been entered in this lawsuit. Google further objects to this  
10 request on the ground that it is overbroad and unduly burdensome. Google further objects to this  
11 request to the extent that it seeks information neither relevant to the claim or defense of any  
12 party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular,  
13 Google objects to the extent this request calls for any documents relating to foreign trademarks.

14 **REQUEST FOR PRODUCTION NO. 47:**

15 All transcripts of depositions, hearings, or other proceedings, Orders entered, and/or  
16 documents produced by Google in the case captioned Metaspinner Media GmbH v. Google, Inc.,  
17 pending in Germany as Case No. 312 O 887/03.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

19 Google objects to this request to the extent it seeks confidential and proprietary  
20 information. Google will not produce any documents containing such information until an  
21 appropriate protective order has been entered in this lawsuit. Google further objects to this  
22 request on the ground that it is overbroad and unduly burdensome. Google further objects to this  
23 request to the extent that it seeks information neither relevant to the claim or defense of any  
24 party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular,  
25 Google objects to the extent this request calls for any documents relating to foreign trademarks.

26 **REQUEST FOR PRODUCTION NO. 48:**

27 All transcripts of depositions, hearings or other proceedings, Orders entered, and/or  
28

documents produced by Google in the case captioned Viaticum Luteciel v. Google, pending in France.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is overbroad and unduly burdensome. Google further objects to this request to the extent that it seeks information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular, Google objects to the extent this request calls for any documents relating to foreign trademarks.

**REQUEST FOR PRODUCTION NO. 49:**

All documents referring to, relating to or referencing research done by or for Google regarding consumer's or user's preferences regarding the presentation or display of "Sponsored Links."

**RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

Google objects to this request to the extent it seeks confidential and proprietary information. Google will not produce any documents containing such information until an appropriate protective order has been entered in this lawsuit. Google further objects to this request on the ground that it is overbroad and unduly burdensome. Google further objects to this request on the ground that its use of the phrases "consumer's or user's preferences" and "Sponsored Links" is vague and ambiguous. Google additionally objects to the phrase "consumer's or user's" because the request does not specify any particular consumer or user. Google further objects to this request to the extent that it seeks information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. In particular, Google objects to the extent this request calls for any documents relating to foreign trademarks.

Subject to the foregoing objections, Google will produce non-privileged documents

1 within its possession, if any, that are responsive to this request.

2 **REQUEST FOR PRODUCTION NO. 50:**

3 All documents referring to, relating to or referencing research done by or for Google  
4 regarding consumer's or user's understanding or perception of "Sponsored Links."

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

6 Google objects to this request to the extent it seeks confidential and proprietary  
7 information. Google will not produce any documents containing such information until an  
8 appropriate protective order has been entered in this lawsuit. Google further objects to this  
9 request on the ground that it is overbroad and unduly burdensome. Google further objects to this  
10 request on the ground that its use of the phrases "consumer's or user's understanding or  
11 perception" and "Sponsored Links" is vague and ambiguous. Google additionally objects to the  
12 phrase "consumer's or user's" because the request does not specify any particular consumer or  
13 user. Google further objects to this request to the extent that it seeks information neither relevant  
14 to the claim or defense of any party, nor reasonably calculated to lead to the discovery of  
15 admissible evidence. In particular, Google objects to the extent this request calls for any  
16 documents relating to foreign trademarks.

17 Subject to the foregoing objections, Google will produce non-privileged documents  
18 within its possession, if any, that are responsive to this request, to the extent such documents  
19 exist.

20 **REQUEST FOR PRODUCTION NO. 51:**

21 All documents that you considered, that reflect, or that otherwise relate to your response  
22 to Interrogatory No. 16.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

24 Google hereby incorporates all objections set forth in its response to Interrogatory No. 16  
25 from American Blind's First Set of Interrogatories To Google. Google further objects to this  
26 request to the extent it seeks confidential and proprietary information. Google will not produce  
27 any documents containing such information until an appropriate protective order has been  
28

1 entered in this lawsuit. Google further objects to this request on the ground that its use of the  
2 phrase "Interrogatory No. 16" is vague, ambiguous. Google further objects to this request on the  
3 ground that it is overbroad and unduly burdensome. Google further objects to this request to the  
4 extent that it seeks documents protected from disclosure by the attorney-client privilege or work-  
5 product doctrine.

6 Subject to the foregoing objections, Google will produce non-privileged documents  
7 within its possession that are responsive to this request, to the extent such documents exist.

8 DATED: June 21, 2005

KEKER & VAN NEST, LLP

9  
10 By: 

11 MICHAEL H. PAGE  
12 Attorneys for Plaintiff and Counterdefendant  
13 GOOGLE INC.  
14 and Third-Party Defendants  
15 ASK JEEVES, INC. and EARTHLINK, INC.  
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1 I, NOELLE NICHOLS, declare and state as follows:

2 I am employed in the City and County of San Francisco, State of California in the office  
3 of a member of the bar of this court at whose direction the following service was made. I am  
4 over the age of eighteen years and not a party to the within action. My business address is  
Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111. On June 21,  
2005, I served the following document(s):

5 PLAINTIFF AND COUNTER-DEFENDANT GOOGLE INC.'S RESPONSES AND  
6 OBJECTIONS TO AMERICAN BLIND & WALLPAPER FACTORY, INC.'S FIRST  
7 SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS FROM  
GOOGLE, INC.

8 ☒ by PDF TRANSMISSION AND UNITED STATES MAIL, by transmitting via PDF on this date. A true  
9 and correct copy of same was placed in a sealed envelope addressed as shown below. I am readily familiar  
10 with the practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing.  
11 According to that practice, items are deposited with the United States Postal Service at San Francisco,  
California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party  
served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one  
day after the date of deposit for mailing stated in this affidavit.

12 Robert N. Phillips, Esq.  
13 Howrey Simon Arnold & White, LLP  
14 525 Market Street  
Suite 3600  
15 San Francisco, CA 94105-2708

16 [phillipsr@howrey.com](mailto:phillipsr@howrey.com)

Stephen E. Taylor, Esq.  
Taylor & Company Law Offices, Inc.  
One Ferry Building  
Suite 355  
San Francisco, CA 94111-4209

[staylor@tcolaw.com](mailto:staylor@tcolaw.com)

17 Susan J. Greenspon, Esq.  
18 David A. Rammelt, Esq.  
Kelley Drye & Warren LLP  
19 333 West Wacker Drive  
Chicago, IL 60606

20 [sgreenspon@kelleydrye.com](mailto:sgreenspon@kelleydrye.com)  
21 [drammelt@kelleydrye.com](mailto:drammelt@kelleydrye.com)

22 Executed on June 21, 2005, at San Francisco, California. I declare under penalty of perjury  
23 under the laws of the State of California that the above is true and correct.

24   
25 NOELLE NICHOLS