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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

7 Attorneys for Google, Inc.

E-filing

8
9 UNITED STATES DISTRICT COURT

ADR

10 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

12 CLRB HANSON INDUSTRIES, LLC d/b/a
 13 INDUSTRIAL PRINTING, and HOWARD
 STERN, on behalf of themselves and all others
 14 similarly situated,

12 CASE NO. 05 03649
 13 DEFENDANT GOOGLE, INC.'S NOTICE
 14 OF REMOVAL **PVT**

15 Plaintiffs,

(Santa Clara Superior Court
Case No. 1-05-CV-046409)

16 v.

17 GOOGLE, INC.,

18 Defendant.

19
 20 PLEASE TAKE NOTICE that Defendant Google, Inc. ("Google") hereby removes this
 21 action from the Superior Court of the State of California for the County of Santa Clara to the
 22 United States District Court for the Northern District of California.

23 I. FACTUAL SUMMARY

24 On August 3, 2005, Plaintiffs CLRB Hanson Industries, LLC d/b/a Industrial Printing
 25 ("Hanson") and Howard Stern ("Stern") filed an action in the Superior Court of the State of
 26 California for the County of Santa Clara, naming Google, Inc. ("Google") as defendant. This
 27 action was assigned Case Number 1-05-CV-046409. On August 11, 2005, Plaintiffs served a
 28

1 summons and a copy of the complaint on Google by personal service. True and correct copies of
2 all process, pleadings, and orders served on Google in the state court action are incorporated
3 herein by reference and are attached hereto as Exhibit A.

4 II. BASIS FOR REMOVAL

5 This Court has removal jurisdiction over this civil action pursuant to 28 U.S.C. § 1441(a)
6 and (b). This Court has original jurisdiction over Plaintiffs' claims pursuant to 28 U.S.C.
7 § 1332(d). Removal is proper because Plaintiffs have filed this action as a nationwide class
8 action, plaintiff Hanson alleges it is a Minnesota limited liability company, plaintiff Stern alleges
9 he is a citizen of New Jersey, and defendant Google is a corporation incorporated under the laws
10 of the State of Delaware with its principal place of business in the State of California.

11 Google does not concede that Plaintiffs are entitled to any damages or monetary recovery,
12 but the complaint alleges an amount in controversy exceeding \$5,000,000, exclusive of interest
13 and costs. Plaintiffs seek the disgorgement and restitution of Google's profits, revenues, and
14 benefits, and purport to represent a nationwide class of "thousands of people." [Complaint ¶¶ 20,
15 88]. Plaintiffs allege that U.S. sales from advertiser-paid search results [were] expected to grow
16 25 percent [in 2004] to \$3.2 billion, up from \$2.5 billion in 2003" and that paid-search
17 advertising generates about 98 percent of Google's revenues. [Complaint, ¶¶ 27, 30]. If
18 Plaintiffs contend the amount in controversy is less than \$5,000,000, they must so allege and bear
19 the burden of proving their claims seek less than the jurisdictional amount. *Berry v. American*
20 *Express Publishing Corp.*, No. SA CV 05-302 AHS (ANx), 2005 WL 1941151, at *4 (C.D. Cal.
21 June 15, 2005); *Waite v. Merck & Co., Inc.*, No. C05-0759L, 2005 WL 1799740, at *2 (W.D.
22 Wash. July 27, 2005).

23 III. INITIAL SERVICE OF COMPLAINT

24 Effective August 11, 2005, Plaintiffs served a summons and a copy of the complaint on
25 Google. Google has therefore timely removed this action within the thirty-day period set forth in
26 28 U.S.C. § 1446(b).

IV. JOINDER AND CONSENT OF OTHER DEFENDANTS

Google is the only named defendant. Therefore, all named defendants have consented to removal of this action to the United States District Court for the Northern District of California.

V. VENUE OF REMOVED ACTION

Because this Court is the United States District Court for the district embracing the place where the state court action is pending, it is the appropriate court for removal pursuant to 28 U.S.C. § 1441(a).

VI. PLEADINGS IN THE STATE COURT ACTION

True and correct copies of all process, pleadings, and orders served on Google in the state court action are incorporated herein by reference and are attached hereto as Exhibit A. A copy of this notice has been served on all parties of record and will be filed with the Clerk of the Superior Court for the County of Santa Clara.

VII. CONCLUSION

For the foregoing reasons, Google respectfully requests that the above action be removed from the state court in which it was filed to the United States District Court for the Northern District of California.

DATED: September 9, 2005.

PERKINS COIE LLP

By David T. Biderman
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