

# **EXHIBIT D**



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May 14, 2007

**VIA FACSIMILE**

Lester Levy, Esquire  
Michele Raphael, Esquire  
Wolf Popper LLP  
845 Third Avenue  
New York, NY 10022-6601

**RE: *CLRB Hanson Industries, LLC, et al. v. Google, Inc.*  
Case No. C 05-03649 JW**

Dear Mr. Levy and Ms. Raphael:

We received your letter, dated May 7, 2007, stating plaintiffs CLRB Hanson Industries, LLC, d/b/a Industrial Printing, and Howard Stern's objections to the "Confidential" designation of the deposition transcripts of Shivakumar Venkataraman and Michael Schulman.

Google considers Mr. Venkataraman's deposition transcript to be "Confidential" in its entirety because Mr. Venkataraman is a Google software engineer who primarily discussed in his deposition Google's internal processes and information not available to the public. Mr. Venkataraman discussed Google's proprietary technology related to its AdWords program, the development of new technology, and the content of confidential documents Google produced to Plaintiffs. The designations for this transcripts are narrowly tailored – no portions have been designated "Confidential – Trade Secret/Attorneys' Eyes Only."

Google considers most of Mr. Schulman's deposition transcript to be "Confidential" as well. Mr. Schulman is a Google software engineer who primarily discussed in his deposition Google's internal processes and information not available to the public. For example, Mr. Schulman discussed Google's proprietary technology related to its AdWords program, including the computer programming of the system for serving ads, and the content of confidential documents Google produced to Plaintiffs. Google also considers a small portion of Mr. Schulman's transcript to be "Confidential – Trade Secret/Attorneys' Eyes Only" because this portion pertains to Google's highly sensitive algorithms used for the AdWords program.

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Plaintiffs' May 7 letter objecting to Google's "Confidential" designations provides only "examples" of the designated testimony that Plaintiffs dispute, rather than a complete list. Please provide a complete list, by page and line reference, of the portions of Mssrs. Venkataraman and Schulman's transcripts where Plaintiffs dispute Google's "Confidential" designation, so that we are clear on which specific portions Plaintiffs object to and have a basis for conferring about the designations. Google is willing to confer with Plaintiffs in good faith as to the validity of the designations, as required under paragraph 13 of the parties Stipulated Protective Order, and seeks to resolve this dispute without the need for judicial intervention.

Very truly yours,

M. Christopher Jhang