

# **EXHIBIT E**

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14 Attorneys for Defendant GOOGLE INC.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

17 CLRB HANSON INDUSTRIES, LLC  
18 d/b/a INDUSTRIAL PRINTING, and  
19 HOWARD STERN, on behalf of  
20 themselves and all others similarly situated,

21 Plaintiffs,

22 v.

23 GOOGLE INC.,

24 Defendant.

CASE NO. C 05-03649 JW

**DEFENDANT GOOGLE INC.'S  
INTERROGATORIES TO PLAINTIFF  
CLRB HANSON INDUSTRIES, LLC  
(SET ONE)**

25 **PROPOUNDING PARTY:** Defendant GOOGLE INC.

26 **RESPONDING PARTY:** Plaintiff CLRB HANSON INDUSTRIES, LLC

27 **SET NUMBER:** ONE

28 **GENERAL INSTRUCTIONS**

1. Within thirty (30) days from the date of service, and pursuant to Federal Rule of Civil Procedure 33, Defendant Google Inc. ("Defendant") requests that Plaintiff CLRB Hanson Industries, LLC ("Plaintiff") answer the following Interrogatories under oath and in writing,

1 based upon all knowledge reasonably available to Plaintiff, its employees, contractors,  
2 consultants, attorneys, investigators, agents, and all others acting on its behalf.

3 2. In answering these Interrogatories, quote the question propounded before each  
4 response.

5 3. In answering these Interrogatories, furnish all information available to you,  
6 including information in the possession of your employees, contractors, consultants, investigators,  
7 agents, and attorneys, or otherwise subject to your possession and/or control, and not merely  
8 information known of your own personal knowledge.

9 4. If you cannot answer a particular Interrogatory in full after exercising due  
10 diligence to secure the information to do so, answer to the extent possible, specify your inability  
11 to answer the remainder, state your efforts to secure responsive information, and state whatever  
12 knowledge you have concerning the unanswered portion. If any information responsive to any  
13 Interrogatory is withheld on the grounds of attorney-client privilege, attorney work product,  
14 and/or any other ground please produce a log listing the information so withheld.

15 5. If you object to any part of an Interrogatory, answer all parts of such Interrogatory  
16 to which you do not object and, as to each part to which you do object, set forth the specific basis  
17 for your objection(s).

18 6. These Interrogatories are continuing in nature, and your answers thereto must be  
19 amended and/or supplemented in accordance with the Federal Rules of Civil Procedure.

#### 20 **DEFINITIONS**

21 A. As used herein, the terms "YOU" and "YOUR" refer to Plaintiff CLRB Hanson  
22 Industries, LLC, and its agents, representatives, employees, subsidiaries, affiliates, attorneys, or  
23 others acting on its behalf, including but not limited to Brett Hanson, Cindy Hanson, Hanson

24 Industries, Secoa, Inc. and Industrial Printing Companies LLC.

25 B. As used herein, the connectives "and," "or," and "and/or" shall be construed either  
26 disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all  
27 responses that might otherwise be construed to be outside of the scope.

1 C. As used herein, the words "PERSON" and "PERSONS" shall include natural  
2 persons, corporations, firms, partnerships, associations, joint adventures, trusts, and estates.

3 D. As used herein, the word "GOOGLE" shall refer to defendant Google Inc.

4 E. As used herein, the word "COMPLAINT" refers to the Second Amended  
5 Complaint in this action.

6 F. As used herein, the term "CONTRACT" refers to the contract between YOU and  
7 GOOGLE to advertise on GOOGLE's AdWords program, which the Court in this Action has  
8 found to include the GOOGLE's AdWords Program Terms and Conditions, Frequently Asked  
9 Questions, and the terms of each advertising campaign submitted or modified by YOU in this  
10 Action.

### 11 **INTERROGATORIES**

#### 12 **INTERROGATORY NO. 1:**

13 State all facts that support YOUR claim that YOU sustained damages or other injury as a  
14 result of any conduct and/or omission of GOOGLE.

#### 15 **INTERROGATORY NO. 2:**

16 State the amount of monetary damages YOU claim that YOU sustained as a result of any  
17 conduct and/or omission of GOOGLE.

#### 18 **INTERROGATORY NO. 3:**

19 Describe in detail how YOU calculated the amount of pecuniary damages YOU claim that  
20 YOU sustained as a result of any conduct and/or omission of GOOGLE.

#### 21 **INTERROGATORY NO. 4:**

22 Identify the date on which YOU first realized that GOOGLE was periodically charging  
23 YOU in excess of 100% of your AdWords daily budget on certain days.

#### 24 **INTERROGATORY NO. 5:**

25 Identify the date on which YOU first realized that it is GOOGLE's policy that, on any  
26 single day, the AdWords system may deliver up to 20% more ads than YOUR daily budget calls  
27 for to help make up for other days in which your daily budget is not reached.  
28

1 **INTERROGATORY NO. 6:**

2 State the reason(s), including all supporting facts, why YOU continued to use GOOGLE's  
3 AdWords program even after YOU realized that GOOGLE was periodically charging you in  
4 excess of 100% of your AdWords daily budget on certain days.

5 **INTERROGATORY NO. 7:**

6 Identify with specificity the pecuniary damage(s) YOU claim YOU suffered as a result of  
7 GOOGLE delivering clicks in excess of 100% of YOUR AdWords daily budget.

8 **INTERROGATORY NO. 8:**

9 Identify with specificity any business opportunity YOU claim YOU lost as a result of  
10 GOOGLE delivering clicks in excess of 100% of YOUR daily budget, including without  
11 limitation the identity of the potential or existing customer involved and the date of the loss.

12 **INTERROGATORY NO. 9:**

13 For those days on which YOU claim that GOOGLE delivered clicks over 100% of YOUR  
14 daily budget, please identify each day on which YOU claim YOU could not meet the demand  
15 resulting from the over-delivery of clicks, and all facts in support of your contention.

16 **INTERROGATORY NO. 10:**

17 Identify all efforts YOU took, including all supporting facts, to mitigate the damages  
18 YOU claim YOU suffered as a result of GOOGLE's conduct as alleged by YOU in the  
19 COMPLAINT.

20 **INTERROGATORY NO. 11:**

21 Identify each case, including the case name, case number, the parties involved, and the  
22 name of the court, in connection with which YOU have ever been deposed.

23 **INTERROGATORY NO. 12:**

24 State the reason(s), including all supporting facts, why YOU have in the past paused  
25 and/or unpaused YOUR ads with GOOGLE's AdWords program.

1 **INTERROGATORY NO. 13:**

2 For each day on which the charges for any of YOUR ad campaigns exceeded the amount  
3 set as YOUR daily budget for the ad campaign, please describe in detail, including all supporting  
4 facts, the reason(s) why YOU did not pause YOUR campaign.

5 **INTERROGATORY NO. 14:**

6 Identify any training concerning AdWords, including without limitation any tutorials,  
7 YOU received from any PERSON, including the date of the training and the identity of the  
8 PERSON providing the training.

9 **INTERROGATORY NO. 15:**

10 If YOU contend that YOU have standing to sue GOOGLE under California Business &  
11 Professions Code sections 17200, *et seq.* and/or 17500, *et seq.*, please state all facts supporting  
12 YOUR contention.

13 **INTERROGATORY NO. 16:**

14 Please describe in detail the role and duties of each PERSON who was involved with any  
15 of YOUR AdWords advertisements.

16 **INTERROGATORY NO. 17:**

17 Identify each and every portion of YOUR CONTRACT with GOOGLE that YOU  
18 contend is void or voidable, and all facts supporting YOUR contention.

19 **INTERROGATORY NO. 18:**

20 For each AdWords ad campaign which YOU created, edited, or managed on behalf of any  
21 PERSON other than CLRB Hanson, LLC, identify the ad campaign, the related account name, the  
22 account number under which the campaign was created, the identity of the PERSON on whose  
23 behalf it was created, and the PERSON who paid for the campaign.

24 **INTERROGATORY NO. 19:**

25 If YOUR response to request for admission number 9 served with these interrogatories is  
26 anything other than an unqualified admission, state all facts upon which YOU based YOUR  
27 response.

1 **INTERROGATORY NO. 20:**

2 If YOUR response to request for admission number 10 served with these interrogatories is  
3 anything other than an unqualified admission, state all facts upon which YOU based YOUR  
4 response.

5 **INTERROGATORY NO. 21:**

6 If YOUR response to request for admission number 11 served with these interrogatories is  
7 anything other than an unqualified admission, state all facts upon which YOU based YOUR  
8 response.

9  
10 DATED: August 25, 2008

**PERKINS COIE LLP**

11  
12 By: 

13 David F. Biderman  
14 Attorneys for Defendant Google, Inc.  
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1 DAVID T. BIDERMAN, Bar No. 101577  
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14 Attorneys for Defendant GOOGLE INC.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

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

18 Plaintiffs,

19 v.

20 GOOGLE INC.,

21 Defendant.

CASE NO. C 05-03649 JW

**AMENDED PROOF OF SERVICE**

22 I, Susan E. Daniels, declare: I am employed in the County of San Francisco, State of  
23 California. I am over the age of 18 and not a party to the within action; my business address is 4  
24 Embarcadero Center, Suite 2400, San Francisco 94111-4131.

25 On August 25, 2008, I served the foregoing document(s) described as follows:

- 26 1. DEFENDANT GOOGLE, INC.'S REQUESTS FOR ADMISSIONS TO  
27 PLAINTIFF HOWARD STERN (SET ONE);  
28 2. DEFENDANT GOOGLE INC.'S INTERROGATORIES TO PLAINTIFF  
HOWARD STERN, (SET ONE);



- 1       **3. DEFENDANT GOOGLE INC.'S REQUESTS FOR ADMISSIONS TO**  
2       **PLAINTIFF CLRB HANSON INDUSTRIES, LLC, (SET ONE);**  
3       **4. DEFENDANT GOOGLE INC.'S INTERROGATORIES TO PLAINTIFF CLRB**  
4       **HANSON INDUSTRIES, LLC, (SET ONE);**  
5       **5. GOOGLE INC.'S RESPONSE TO PLAINTIFF'S FIRST SET OF REQUESTS**  
6       **FOR PRODUCTION OF DOCUMENTS; and**  
7       **6. GOOGLE INC.'S RESPONSE TO PLAINTIFF'S FIRST SET OF**  
8       **INTERROGATORIES.**

9       on the interested parties in this action by placing true copies thereof enclosed in  
10       sealed envelopes addressed as stated on the attached service list, as follows:

- 11       ☒       BY FEDERAL EXPRESS: by placing the document(s) listed above in a sealed Fed Ex  
12       envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Fed  
13       Ex agent for delivery.

14       Daniel J. Shih  
15       E-Mail: [dshih@susmangodfrey.com](mailto:dshih@susmangodfrey.com)  
16       SUSMAN GODFREY L.L.P.  
17       1201 Third Avenue, Suite 3800  
18       Seattle, Washington 98101-3000  
19       Telephone: (206) 516-3880  
20       Facsimile: (206) 516-3883

- 21       ☒       BY ELECTRONIC MAIL

22       I caused said documents to be prepared in portable document format (PDF) for e-mailing  
23       and served by electronic mail as indicated on the attached service list.

24       **ATTORNEYS FOR PLAINTIFFS**

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48       Attorneys for Defendant  
49       GOOGLE INC.

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17 Executed on August 25, 2008, at San Francisco, California.

18 ☐ (State) I declare under penalty of perjury under the laws of the State of California that the  
above is true and correct.

19 ☒ (Federal) I declare under penalty of perjury under the laws of the State of California that the  
20 above is true and correct.

21  
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23   
Susan E. Daniels