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7 Attorneys for Google, Inc.

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**UNITED STATES DISTRICT COURT**

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**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

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

14

Plaintiffs,

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v.

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GOOGLE, INC.,

17

Defendant.

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CASE NO. C05-03649 PVT

**NOTICE OF FILING IN STATE  
COURT DEFENDANT GOOGLE,  
INC.'S NOTICE OF REMOVAL OF  
ACTION TO FEDERAL COURT**

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

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TO THE CLERK OF THIS COURT, TO THE PLAINTIFFS AND TO PLAINTIFFS'

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COUNSEL OF RECORD:

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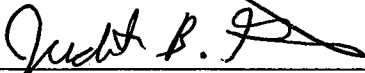
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**NOTICE OF FILING IN STATE COURT DEFENDANT  
GOOGLE, INC.'S NOTICE OF REMOVAL OF ACTION  
TO FEDERAL COURT**

1 Industrial Printing, and Howard Stern. A copy of said Notice of Removal is attached hereto as  
2 Exhibit A.

3  
4 DATED: September 13, 2005.

**PERKINS COIE LLP**

5 By   
6 Judith B. Gitterman  
7 Attorneys for Google, Inc.

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# EXHIBIT A

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JUDITH B. GITTERMAN, Bar No. 115661  
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Attorneys for Google, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

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

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

CASE NO. 1-05-CV-046409  
DEFENDANT GOOGLE, INC.'S NOTICE  
OF REMOVAL OF ACTION TO  
FEDERAL COURT

ENDORSED Santa Clara  
09/12/05 2:04pm  
KIP Torre  
Chief Executive Office  
By: bettyc dtsclerka  
R#200500091890  
CK \$846.20  
TL \$846.20

B. CHOPOFF.

TO THE CLERK OF THIS COURT, TO THE PLAINTIFFS AND TO PLAINTIFFS'  
COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on September 12, 2005, Defendant Google, Inc.  
("Google") filed a Notice of Removal of this civil action with the United States District Court for  
the Northern District of California, and removed the above-entitled action, Case No. 1-05-CV-  
046409, from the Superior Court of the State of California, County of Santa Clara to the United  
States District Court for the Northern District of California (U.S.D.C. Case No. C05 03649  
PVT).

A true and correct copy of the Notice of Removal (without exhibits) is attached hereto as  
Exhibit A.

DEFENDANT GOOGLE, INC.'S NOTICE OF REMOVAL  
OF ACTION TO FEDERAL COURT

[11063-0022/A.052420.009]

COPY

1 PLEASE TAKE FURTHER NOTICE that pursuant to 28 U.S.C. § 1446(d), the filing of  
2 said Notice of Removal, together with a filing of the copy of the same with this Court, effects the  
3 removal of this action, and this Court may proceed no further unless and until the case is  
4 remanded.

5 DATED: September 12, 2005.

**PERKINS COIE LLP**

6  
7 By Justin B. A for  
8 David T. Biderman  
9 Attorneys for Google, Inc.  
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# EXHIBIT A

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Email: [LDelehunt@perkinscoie.com](mailto:LDelehunt@perkinscoie.com)

Attorneys for Google, Inc.

**ORIGINAL FILED**

SEP 12 2005

CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

E-filing

**ADR**

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

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

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

**005 03649**

DEFENDANT GOOGLE, INC.'S NOTICE  
OF REMOVAL **PVT**

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

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

**I. FACTUAL SUMMARY**

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

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).  
27  
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**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*  
David T. Biderman  
Attorneys for Google, Inc.

**PROOF OF SERVICE - MAIL**

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26<sup>th</sup> Street, Sixth Floor, Santa Monica, California 90404.

On September 12, 2005, I served a true copy of **DEFENDANT GOOGLE, INC.'S NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT** on the interested parties in this action by placing said document enclosed in a sealed envelope (for collection and mailing, with postage thereon fully prepaid, on the same date, following ordinary business practices) in an internal collection basket, addressed as follows:

William M. Audet, Esq.  
Ryan M. Hagan, Esq.  
Jason Baker, Esq.  
ALEXANDER, HAWES & AUDET, LLP  
152 North Third Street, Suite 600  
San Jose, CA 95112  
Tel: (408) 289-1776; Fax: (408) 287-1776

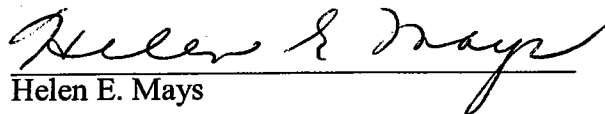
Attorney for Plaintiffs and  
the Proposed Class

Lester L. Levy, Esq.  
Emily Madoff, Esq.  
Patricia I. Avery, Esq.  
Renee L. Karalian, Esq.  
WOLF POPPER LLP  
845 Third Avenue  
New York, NY 10022  
Tel: (212) 759-4600; Fax: (212) 486-2093

Attorney for Plaintiffs and  
the Proposed Class

I am readily familiar with this business's practices concerning collection and processing of correspondence for mailing with the United States Postal Service, and declare that correspondence is deposited with the United States Postal Service on the same day it is internally collected at Perkins Coie LLP in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct; that I am employed in the office of a member of the Bar of this Court at whose direction this service was made; and that this Proof of Service was executed on September 12, 2005, at Santa Monica, California.

  
Helen E. Mays

**PROOF OF SERVICE - MAIL**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am and was at all times herein mentioned employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action or proceeding. My business address is 1620 26<sup>th</sup> Street, Sixth Floor, Santa Monica, California 90404..

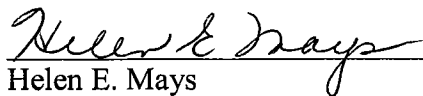
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Ryan M. Hagan, Esq. the Proposed Class  
Jason Baker, Esq.  
ALEXANDER, HAWES & AUDET, LLP  
152 North Third Street, Suite 600  
San Jose, CA 95112  
Tel: (408) 289-1776; Fax: (408) 287-1776

Lester L. Levy, Esq. Attorney for Plaintiffs and  
Emily Madoff, Esq. the Proposed Class  
Patricia I. Avery, Esq.  
Renee L. Karalian, Esq.  
WOLF POPPER LLP  
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Helen E. Mays