

1 DAVID T. BIDERMAN, Bar No. 101577  
 2 JUDITH B. GITTERMAN, Bar No. 115661  
 3 M. CHRISTOPHER JHANG, Bar No. 211463  
**PERKINS COIE LLP**  
 4 180 Townsend Street, 3rd Floor  
 San Francisco, CA 94107-1909  
 Telephone: (415) 344-7000  
 Facsimile: (415) 344-7050  
 5 Email: [DBiderman@perkinscoie.com](mailto:DBiderman@perkinscoie.com)  
 Email: [JGitterman@perkinscoie.com](mailto:JGitterman@perkinscoie.com)  
 6 Email: [CJhang@perkinscoie.com](mailto:CJhang@perkinscoie.com)

7 Attorneys for Defendant Google Inc.

8

9

**UNITED STATES DISTRICT COURT**

10

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

11

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

14

Plaintiffs,

15

v.

16

GOOGLE, INC.,

17

Defendant.

18

19

20

21

22

23

24

25

26

27

28

CASE NO. C O5-03649 JW

**DEFENDANT GOOGLE INC.'S  
RESPONSE TO PLAINTIFFS'  
MOTION TO ENLARGE TIME**

Civil Local Rule 6-3

**RESPONSE TO PLAINTIFFS' MOTION TO ENLARGE TIME**

1  
2 Plaintiffs CLRB Hanson Industries, LLC d/b/a Industrial Printing and Howard Stern  
3 (“plaintiffs”) request in their motion to enlarge time a continuance of the partial summary  
4 judgment hearing date, from October 6, 2006 to November 6, 2006. Defendant Google Inc.  
5 (“Google”) does not oppose plaintiffs’ continuance request. However, plaintiffs’ failure to seek  
6 a stipulation with Google prior to the filing of their motion, and their insistence on including  
7 unrelated and previously decided matters in any stipulation between the parties, have  
8 necessitated this response.

9 Under the current October 6, 2006 hearing date, the parties’ moving summary judgment  
10 papers must be filed by September 1, 2006. Plaintiffs’ depositions are scheduled to occur on  
11 August 16 and 18, 2006. Declaration of M. Christopher Jhang (“Jhang Decl.”), ¶ 2. Although  
12 Google does not oppose plaintiffs’ continuance request, it disputes plaintiffs’ purported basis for  
13 seeking the continuance. Google has complied with the Court’s June 27, 2006 Order Following  
14 Case Management Conference (“Order”) through the filing of its declaration, its amended  
15 declaration, and its production of documents to plaintiffs, and plaintiffs have been informed of  
16 this. *Id.*, at ¶ 3, Exhibit A. Immediately following the issuance of the Order, in order to provide  
17 a thorough and responsive production to plaintiffs, Google searched its archives and retrieved all  
18 versions of the AdWords Frequently Asked Questions (“FAQs”), from July 2002 to the present,  
19 which appeared on the AdWords website. *Id.*, at ¶ 4. In addition, plaintiffs’ contention that  
20 Google has violated the deposition deadline imposed by the Order is untrue – Google sought and  
21 obtained from this Court a continuance of the deposition deadline. *See* Court’s August 1, 2006  
22 Order Re Defendant Google, Inc.’s Motion To Enlarge Time and Clarify Court Order.

23 Plaintiffs have unnecessarily brought a motion to enlarge time where a stipulation  
24 between the parties could have been obtained. When counsel for Google was informed that  
25 plaintiffs sought to continue the partial summary judgment hearing date, they notified plaintiffs  
26 (on a Friday) that the lead attorney was out of the country on a plane and that plaintiffs would  
27 receive a response “early next week.” Jhang Decl., ¶ 5, Exhibit B. On the following Tuesday,  
28 plaintiffs filed their motion before receiving any response from Google and without making any

