

1 DAVID H. KRAMER, State Bar No. 168452  
 COLLEEN BAL, State Bar no. 167637  
 2 LISA A. DAVIS, State Bar No. 179854  
 BART E. VOLKMER, State Bar No. 223732  
 3 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 4 650 Page Mill Road  
 Palo Alto, CA 94304-1050  
 5 Telephone: (650) 493-9300  
 Facsimile: (650) 565-5100  
 6 [DKramer@wsgr.com](mailto:DKramer@wsgr.com)

7 JONATHAN M. JACOBSON  
 WILSON SONSINI GOODRICH & ROSATI  
 8 Professional Corporation  
 12 East 49th Street, 30th Floor  
 9 New York, NY 10017-8203  
 Telephone: (212) 999-5800  
 10 Facsimile: (212) 999-5899  
[JJacobson@wsgr.com](mailto:JJacobson@wsgr.com)

11 Attorneys for Defendant  
 12 Google Inc.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

17 KINDERSTART.COM, LLC, a California )  
 18 limited liability company, on behalf of itself and )  
 all others similarly situated, )  
 19 Plaintiffs, )  
 20 v. )  
 21 GOOGLE INC., a Delaware corporation, )  
 22 Defendant. )

CASE NO.: C 06-2057 JF (RS)  
**DEFENDANT GOOGLE INC.'S  
 OPPOSITION TO KINDERSTART'S  
 MISCELLANEOUS  
 ADMINISTRATIVE REQUEST  
 UNDER L.R. 7-11 TO EXCEED  
 PAGE LENGTH OF MOTION FOR  
 PRELIMINARY INJUNCTION  
 FILED MAY 26, 2006**

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1 **OPPOSITION TO MOTION FOR ADMINISTRATIVE RELIEF**

2 Pursuant to Civil L.R. 7-11(b), defendant Google Inc. (“Google”) hereby submits this  
3 opposition to plaintiff KinderStart.com LLC’s (“KinderStart”) Motion for Administrative Relief  
4 to Exceed Page Length of Motion for Preliminary Injunction Filed May 26, 2006 (Doc. No. 19).  
5 Google opposes KinderStart’s request for three reasons.

6 First, the request is untimely. If KinderStart wished to file a brief in excess of the page  
7 limit required by Civil L.R. 7-2(b), it should have secured such relief *before* filing a brief in  
8 contravention of the Local Rules. Indeed, plaintiff’s counsel acknowledges that KinderStart  
9 planned to file its preliminary injunction motion as early as May 2, 2006. Google should not be  
10 put to the burden of responding to an oversized brief solely on KinderStart’s whim.

11 Second, the request is procedurally improper. Civil L.R. 7-11(a) requires a Motion for  
12 Administrative Relief to be accompanied “by either a stipulation under Civil L.R. 7-12 or by a  
13 declaration that explains why a stipulation could not be obtained.” KinderStart’s motion is not  
14 supported by a stipulation or a declaration.

15 Third, the request is substantively flawed. KinderStart has not made a showing that a  
16 departure from the Local Rules is necessary to support its preliminary injunction motion which  
17 rests on allegations that Google, a private actor, has violated KinderStart’s First Amendment  
18 rights. Google’s previously filed Motion to Dismiss addressed this First Amendment claim in  
19 less than five pages, and dealt with all nine of KinderStart’s claims for relief within the 25-page  
20 limit of Civil L.R. 7-2(b).<sup>1</sup>

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27 <sup>1</sup> Contrary to KinderStart’s assertion, Google’s Motion to Dismiss did not exceed the 25 page  
28 limit of Civil L.R. 7-2(b) because tables preceding the motion are not included when calculating  
the length of a motion.

1 For these reasons, Google respectfully requests that the Court deny KinderStart's Motion  
2 for Administrative Relief to exceed the applicable page limit and strike KinderStart's oversized  
3 brief.

4 Dated: June 2, 2006

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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By: /s/ David H. Kramer  
David H. Kramer

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Attorneys for Defendant  
Google Inc.

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