

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Agence France Presse,)
v.) CIVIL ACTION NO.: 1:05CV00546 (GK)
Google Inc.,)
_____)

**GOOGLE'S RESPONSES TO AFP'S
FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS AND THINGS**

Defendant Google Inc. ("Google") hereby responds to the First Requests for the Production of Documents and Things ("Requests") of plaintiff Agence France Presse ("AFP").

INSTRUCTIONS AND DEFINITIONS

Google will respond according to the applicable rules and the ordinary meaning of the language used. Google objects that any attempt to impose obligations other than those set by the rules is unauthorized and void. To avoid ambiguity, Google uses the term "Google News" as it is defined in its Answer and Counterclaims (*e.g.* at 1, n. 1).

GENERAL OBJECTIONS

The following general objections apply to and are incorporated into each of Google's responses to each of AFP's individual requests as set forth herein. Google's responses to each of AFP's requests are made without waiver of the following general objections.

1. Google objects to each request to the extent the request calls for production of information or documents protected from disclosure by attorney-client privilege, work product doctrine, or any other applicable privilege.

REQUEST NO. 5:

Copies of all AFP photographs, headlines, and Story Leads which appeared on Google News at any time since its inception.

RESPONSE TO REQUEST NO. 5:

Google objects to this request to the extent it suggests that Google displays AFP photographs and story leads on Google News. Google displays small, very low resolution thumbnail links and lead fragments on Google News. Google further objects to this request on the grounds that it is premature in light of the parties' discussions regarding sampling, and premature in light of AFP's failure to identify its registered works, the works it claims to own, and the works it asserts have been infringed in this action. Google further objects that the meaning of "AFP photographs, headlines and Story Leads" is ambiguous. The request is also unduly burdensome. The content of Google News changes minute-to-minute, identifying historic content is extremely difficult, burdensome and expensive, and AFP has not offered or arranged to bear the costs attendant to collecting documents responsive to this request.

REQUEST NO. 6:

All documents relating to Google's Internet advertising solutions, including AdWorks and AdSense programs, which mention or refer to Google News either directly or indirectly.

RESPONSE TO REQUEST NO. 6:

Google objects to this request as vague, overbroad, unduly burdensome and irrelevant. Among other things, as presently formulated, this request would require production of any document that separately mentions AdSense and Google News. Practically any document that attempts to describe Google's various products and services could mention both AdSense and

RESPONSE TO REQUEST NO. 31:

Google will produce, subject to General Objection No. 8, source code for Google News and non-privileged reports or memoranda that describe how Google News creates and displays information relating to credit, sourcing and copyright notices associated with photographs which appear on third party web sites, to the extent such documents exist. To the extent this request seeks more, Google objects that it is vague, overbroad and unduly burdensome, and that Google does not display photographs on Google News. Google displays small, very low resolution thumbnail links on Google News.

REQUEST NO. 32:

All non-privileged documents relating to the removal of or non-disclosure of credit information of the photographer or copyright owner appearing on or with the photographs in the Source Publications.

RESPONSE TO REQUEST NO. 32:

Google is not aware of documents that discuss the removal of or non-disclosure of such credit information. To the extent this request seeks more, Google objects that it is vague, overbroad and unduly burdensome.

Respectfully submitted,

Dated: September 15, 2005

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