

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CNG FINANCIAL CORPORATION	:	
	:	Case No. 1:06CV040
Plaintiff/Counterclaim-	:	
Defendant,	:	Chief Judge Sandra S. Beckwith
	:	Magistrate Timothy S. Black
vs.	:	
	:	
GOOGLE INC.	:	<b>REPLY BY CNG TO GOOGLE'S</b>
	:	<b>COUNTERCLAIM</b>
Defendant/Counterclaim-	:	
Plaintiff.	:	

For its Reply to Google’s Counterclaim, CNG Financial Corporation (“CNG”) states as follows:

1. CNG admits the allegations contained in Paragraph 1 of the Counterclaim.
2. CNG admits the allegations contained in Paragraph 2 of the Counterclaim.
3. CNG admits the allegations contained in Paragraph 3 of the Counterclaim.
4. CNG admits the allegations contained in Paragraph 4 of the Counterclaim.
5. CNG admits the allegations contained in Paragraph 5 of the Counterclaim.
6. CNG denies Google’s characterization of CNG’s Complaint, on the grounds that the Complaint speaks for itself, and CNG admits that an actual case or controversy exists between the parties.
7. CNG admits the allegations contained in Paragraph 7 of the Counterclaim.
8. CNG lacks sufficient knowledge to form a belief as to the truth of Google’s allegation that its “AdWords” program has been offered since October 2000, and CNG admits the remaining allegations contained in paragraph 8 of the Counterclaim.
9. CNG admits the allegations contained in Paragraph 9 of the Counterclaim.

10. CNG denies that Google does not select the keywords that trigger its advertisers' advertisement, and CNG admits the remaining allegations contained in paragraph 10 of the Counterclaim.

11. CNG admits that it filed the present action against Google on the referenced date, and CNG denies Google's characterizations of the Complaint on the grounds that that document speaks for itself.

12. CNG denies Google's characterizations of the Complaint on the grounds that that document speaks for itself.

13. CNG lacks sufficient knowledge to form a belief as to the truth of the allegations contained in the first sentence of paragraph 13, and CNG admits the allegations contained in the second sentence of paragraph 13 of the Counterclaim.

14. CNG lacks sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 14 of the Counterclaim; moreover, CNG affirmatively alleges that Google has failed to prohibit its advertising customers from including words or phrases that are identical to, or similar to, CNG's trademarks in the text of the Google Sponsored Links.

15. CNG denies the allegations contained in paragraph 15 of the Counterclaim.

16. CNG denies the allegations contained in paragraph 16 of the Counterclaim.

17. CNG denies the allegations contained in paragraph 17 of the Counterclaim.

18. CNG denies the allegations contained in paragraph 18 of the Counterclaim.

19. In response to paragraph 19 of the Counterclaim, CNG realleges its responses to paragraphs 1 through 18 of the Counterclaim.

20. CNG denies the allegations contained in paragraph 20 of the Counterclaim.

21. CNG admits the allegations contained in Paragraph 21 of the Counterclaim.

22. CNG admits that Google has filed a Counterclaim seeking the referenced relief.

23. In response to paragraphs 23 through 26 of the Counterclaim, and for the foregoing reasons, CNG prays that this Court deny the relief sought in Google's Counterclaim and dismiss Google's Counterclaim with prejudice, with an award to CNG of its costs of defending that Counterclaim.

Respectfully submitted,

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Attorneys for CNG FINANCIAL  
CORPORATION

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was electronically filed with the Clerk of the Courts using the CM/ECF, system which will send notification of such filing to the following, this 12<sup>th</sup> day of April, 2006:

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