

EXHIBIT B

not limited to, servants, agents, employees, officers, directors, accountants, and attorneys, past and present. You must make inquiries of Your agents, employees, etc., whenever such inquiry is necessary to enable You to respond to these document requests completely and accurately.

b. “Ascentive” refers to the plaintiff Ascentive, LLC, and to all persons acting, or purporting to act, on its behalf, including but not limited to, servants, agents, employees, officers, directors, accountants, and attorneys, past and present.

c. “Ascentive’s Trademarks” refers to the trademarks owned by plaintiff Ascentive, which are identified in the list of trademark registrations and applications attached as Exhibit A to the complaint Ascentive filed in the above-captioned matter.

d. “Google Advertiser” or “Google Advertisers” means any person, including any individual or company, that participated in Google’s AdWords advertising program between 2003 and the present.

e. The term “document” shall be given the broadest possible meaning under the applicable Federal Rules of Civil Procedure and shall all drafts and non-identical copies of all written, printed, typed, graphic or electronic matter of any kind or nature and any other tangible thing in Your possession, custody, or control.

f. The terms “relate(s) to” or “relating to” means constitutes, refers to, reflects, concerns, discusses, describes, records, comprises, evaluates, analyzes, reviews, evidences, or pertains to, or in any way logically or factually connects with the matter described in the document request.

g. The word “or” means “and/or.” The terms “any” and “all” shall be construed interchangeably so as to bring within the purview of a request, information that might otherwise not be included. The singular includes the plural and vice versa. The masculine includes the

feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by the change of tense.

2. INSTRUCTIONS

a. You are required, in responding to these document requests, to obtain and furnish all documents available to You and any of Your agents, servants, representatives or attorneys and to obtain and furnish all information that is in Your possession, custody or control, or in the possession, custody or control of any of Your representatives, agents, servants, or attorneys.

b. If a document request is objected to on the basis of privilege, overbreadth, vagueness, or any similar grounds, respond to such request and produce documents as narrowed to conform to Your objection.

c. If any document is withheld on the basis of the attorney-client privilege and/or the work-product doctrine, describe the document not produced in a manner that will enable plaintiffs to assess the applicability of the cited privilege.

d. If any requested document is known to have existed and cannot now be located, or has been destroyed or discarded, then identify each such document by setting forth:

- i. the last known custodian;
- ii. whether the document is missing or lost or was destroyed or discarded;
- iii. the date of loss, destruction or discard;
- iv. the manner of destruction or discard;
- v. the reasons for destruction or discard;
- vi. the persons authorizing or carrying out such destruction or discard;
- vii. the efforts made to locate lost or misplaced documents; and
- viii. a statement describing the document, including a summary of its contents, the identity of its author and the persons to whom it was sent or shown.

e. If any documents which are no longer in existence contained information responsive to any Request for Documents, then in answer to that request:

- i. identify all information contained in the documents;
- ii. identify each type of document (e.g., letters, ledgers, etc.) which contained the information;

- iii. state the time period during which the documents were maintained;
- iv. state the circumstances under which the documents ceased to exist;
- v. identify all persons who have knowledge of the circumstances under which the documents ceased to exist; and
- vi. identify all persons who have knowledge or had knowledge of the documents and their contents.

REQUEST FOR THE PRODUCTION OF DOCUMENTS

Please produce copies of the following documents:

- a. All documents relating to Google's decision to suspend Ascentive's Google AdWords account, and all documents relating to the basis, if any, for that decision.
- b. All documents relating to Google's decision to make Ascentive's suspension from Google's AdWords program permanent, and all documents relating to the basis, if any, for that decision.
- c. All documents relating to the definition of the term "multiple policy disapprovals," as that term is used in Google's correspondence with Ascentive, attached to these Requests as Exhibit 1.
- d. All documents relating to Google's assertion, in the correspondence attached as Exhibit 1, that Google reserved the right to terminate advertisements for any reason.
- e. All documents identifying or indicating the number of Google Advertisers suspended by Google between January 1, 2009, and the present.
- f. All documents identifying or indicating the number of Google Advertisers suspended for "multiple policy disapprovals" between January 1, 2009, and the present.
- g. All documents related to Google's internal procedures, if any, providing for a review of an AdWords account suspension.

h. All documents relating to Google's decision to assign the websites operated by Ascentive, including but not limited to the websites FinallyFast.com and FastatLast.com, a PageRank of zero, and all documents relating to the basis, if any, for that decision.

i. All documents relating to Google's failure to include websites operated by Ascentive, including but not limited to the websites FinallyFast.com and FastatLast.com, in its search listings.

j. All documents relating to Google's internal procedures, if any, related to Google's investigation of the use of trademarks in AdWords headings and ad text, and the removal of trademarks from AdWords headings and ad text.

k. All documents relating to Google's investigation or review of trademark complaints submitted to Google by Ascentive.

l. All documents identifying or indicating the number of Google Advertisers that selected or bid on Ascentive's Trademarks as keywords between 2003 and the present.

m. All documents identifying or indicating the amount paid to Google by Google Advertisers that selected or bid on Ascentive's Trademarks as keywords between 2003 and the present.

n. All documents identifying or indicating the number of Google AdWords advertisements or "Sponsored Links" that contained Ascentive's Trademarks in their headings or text between 2003 and the present.

o. All documents identifying or indicating the amount paid to Google by Google Advertisers that submitted or ran ads containing Ascentive's Trademarks in their headings or text between 2003 and the present.

p. All documents identifying or indicating the number of Google Advertisers that selected or bid on the keyword “FINALLYFAST” in 2008.

q. All documents identifying or indicating the amount paid to Google by Google Advertisers that selected or bid on the keyword “FINALLYFAST” in 2008.

r. All documents identifying or indicating the number of Google AdWords advertisements or “Sponsored Links” that contained the term “FINALLYFAST” in their headings or text in 2008.

s. All documents identifying or indicating the amount paid to Google by Google Advertisers that submitted or ran ads containing the term “FINALLYFAST” in their headings or text in 2008.

t. All documents identifying or indicating the number of Google Advertisers that selected or bid on a term similar to an Ascentive’s Trademark in 2008.

u. All documents identifying or indicating the amount paid to Google by Google Advertisers that selected or bid on a term similar to an Ascentive Trademark in 2008.

v. All documents identifying or indicating the number of Google AdWords advertisements or “Sponsored Links” that contained a term similar to an Ascentive Trademark in their headings or text in 2008.


w. All documents identifying or indicating the amount paid to Google by Google Advertisers that submitted or ran ads containing a term similar to an Ascentive Trademark in their headings or text in 2008.

x. All documents and communications exchanged between Google and any other party, related to the use of Ascentive’s Trademarks, the suspension of Ascentive from Google’s

advertising programs and/or the exclusion of a website owned by Ascentive from Google's search listings.

y. All documents and communications exchanged between StopBadware.org and Google related to Ascentive.

z. All documents and communications exchanged between employees of Google related to the use of Ascentive's Trademarks, the suspension of Ascentive from Google's advertising programs, and/or the exclusion of a website owned by Ascentive from Google's search listings.

By: 
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Dated: July 24, 2009

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2009, I caused to be served a true and correct copy of the foregoing Plaintiff's First Request for Production of Documents Addressed to Defendant Google, Inc., upon the following via the Court's electronic filing system:

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By: _____



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Attorney for plaintiff Ascentive, LLC

Dated: July 24, 2009