

1 LATHAM & WATKINS
 Anthony I. Fenwick (Bar No. 158667)
 2 Allon Stabinsky (Bar No. 197642)
 135 Commonwealth Drive
 3 Menlo Park, California 94025
 Telephone: (650) 328-4600
 4 Facsimile: (650) 463-2600

5 BRINKS HOFER GILSON & LIONE
 Jack C. Berenzweig (Admitted *Pro Hac Vice*)
 6 William H. Frankel (Admitted *Pro Hac Vice*)
 Jason C. White (Admitted *Pro Hac Vice*)
 7 Charles M. McMahon (Admitted *Pro Hac Vice*)
 NBC Tower - Suite 3600
 8 455 North Cityfront Plaza Drive
 Chicago, Illinois 60611
 9 Telephone: (312) 321-4200
 Facsimile: (312) 321-4299

10 Attorneys for Plaintiff
 11 OVERTURE SERVICES, INC.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15
 16 OVERTURE SERVICES, INC., a Delaware
 Corporation,

17 Plaintiff,

18 vs.

19 GOOGLE INC., a California Corporation,

20 Defendant.
 21

No. C02-01991 JSW (EDL)

**DECLARATION OF CHARLES M.
 MCMAHON IN SUPPORT OF
 OVERTURE'S OPENING CLAIM
 CONSTRUCTION BRIEF**

22
 23
 24
 25
 26
 27
 28

1 I, Charles M. McMahon, declare as follows:

2 1. I am an associate at the law firm of Brinks Hofer Gilson & Lione, counsel of
3 record for plaintiff Overture Services, Inc. ("Overture") in this matter. I make this declaration in
4 support of Overture's Opening Claim Construction Brief. I make the following declaration
5 based upon my personal knowledge, and I could and would testify thereto under oath if called
6 upon to do so.

7 2. In connection with Overture's Opening Claim Construction Brief, Overture is
8 filing two volumes of Exhibits to Overture's Opening Claim Construction Brief. These two
9 volumes contain 28 exhibits, which are identified more fully below.

10 3. Exhibit 1 is a true and correct copy of U.S. Patent No. 6,269,361 (the "'361
11 patent").

12 4. Exhibit 2 is a true and correct copy of the Joint Claim Construction Statement
13 filed by the parties in this case.

14 5. Exhibits 3, 5, 7, 10, 12, 14, 16, 18, 20, 22, 24, and 26 are sample claims from the
15 '361 patent with relevant disputed claim terms emphasized.

16 6. Exhibits 4, 6, 8, 11, 13, 15, 17, 19, 21, 23, 25, and 27 are true and correct copies
17 of pages from the following dictionaries and treatises:

- 18 • Fundamentals of Database Systems, by Elmasri & Navathe,
19 Benjamin/Cummins, 1989;
- 20 • The Random House Dictionary of the English Language, Second Edition,
21 1987;
- 22 • Merriam Webster's Collegiate Dictionary, Tenth Edition, 1995;
- 23 • Webster's New World College Dictionary, Third Edition, 1997;
- 24 • The New Oxford Dictionary of English, 1998;
- 25 • The American Heritage College Dictionary, Fourth Edition, 2002; and
- 26 • Merriam Webster's Unabridged Dictionary, Online Edition, 2003.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. Exhibit 9 is a true and correct copy of two frames from the microfiche appendix to the '361 patent, numbered frames 81-82 on the microfiche sheet Overture produced as OVG 022003.

8. Exhibit 28 is a true and correct copy of the official file history of the '361 patent.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 8th day of August 2003 in Chicago, Illinois.

s/ Charles M. McMahon

Charles M. McMahon