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8 Attorneys for Plaintiff  
 9 GOOGLE INC., a Delaware corporation

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 GOOGLE INC., a Delaware corporation,

14 Plaintiff,

15 v.

16 COMPRESSION LABS, INC., a Delaware  
 17 corporation; FORGENT NETWORKS, INC., a  
 18 Delaware corporation, and GENERAL  
 19 INSTRUMENTS CORPORATION, a Delaware  
 20 corporation,

21 Defendants.

Case No. CV 04-03934 PJH

**DECLARATION OF RYAN M. KENT  
 IN SUPPORT OF GOOGLE INC.'S  
 OPPOSITION TO DEFENDANTS'  
 MOTION TO DISMISS, OR IN THE  
 ALTERNATIVE, TO TRANSFER**

Date: December 8, 2004  
 Time: 9:00 a.m.

Court: Hon. Phyllis J. Hamilton

22 I, Ryan M. Kent, declare as follows:

23 1. I am a member of the Bar of the State of California and an associate at the law  
 24 firm of Keker & Van Nest LLP, counsel for plaintiff Google Inc. in this action. Except as  
 25 otherwise expressly noted, the facts stated herein are based upon my personal knowledge, and if  
 26 called to do so, I would testify to those facts under oath.

27 2. Attached hereto as Exhibit A is a true and correct copy of selected pages of  
 28 Forgent Networks, Inc.'s ("Forgent") Form 10-K Annual Report, filed on October 29, 2004.

3. Attached hereto as Exhibit B is a demonstrative that lists customers identified by  
 Forgent as customers using NetSimplicity software, *see* "Our Customers - By Industry,"

1 <http://www.netsimplicity.com/customers/list.shtml>, that appear to be located in California.

2 4. Attached hereto as Exhibit C is a true and correct copy of selected pages of  
3 Motorola Inc.'s Form 10-K Annual Report, filed on March 12, 2004.

4 5. Attached hereto as Exhibit D is a true and correct copy of United States Patent  
5 Application Serial No. 06/923,630, filed on October 27, 1986.

6 6. Attached hereto as Exhibit E is a true and correct copy of United States Patent No.  
7 4,698,672 (the "672 patent"), issued on October 6, 1987.

8 7. Attached hereto as Exhibit F is a true and correct copy of the Complaint filed in  
9 *Agfa Corp., et al. v. Compression Labs, Inc., et al.*, Case No. 04-818 SLR (De. Del.) ("Agfa  
10 Complaint"). The Agfa Complaint includes the following allegations, which, based on  
11 information and believe, I understand to be accurate:

- 12 a. CLI was first incorporated in December 1976. *See* Agfa Compl. ¶ 49.
- 13 b. CLI participated in the JPEG standard setting process. *See id.* ¶¶ 69-95.
- 14 c. CLI's executives (i) consulted with the JPEG committee, (ii) attended and  
15 participated in at least one meeting, in August 1991, in Santa Clara, California,  
16 and (iii) twice voted for the adoption of the JPEG Standard while CLI resided in  
17 the Northern District of California. *Id.* ¶ 91.
- 18 d. CLI never disclosed any patents relevant to the JPEG standard and it never  
19 asserted that the '672 patent would be infringed by anyone practicing the JPEG  
20 standard. *Id.* ¶ 95.
- 21 e. The JPEG Standard was adopted in 1992 as a result of years of contribution and  
22 collaboration of a committee of industry members. *Id.* ¶ 70.
- 23 f. In June, 1981, CLI filed a lawsuit in the Superior Court of the State of California,  
24 County of Santa Clara, Case No. 476629, against Widergren Associates (later  
25 renamed Widegrem Communications ("Widcom") and several of its employees  
26 alleging, among other things, trade secret misappropriation. In December, 1985,  
27 CLI filed a patent infringement lawsuit against Widcom in the Northern District  
28 of California. These lawsuits related to the device known as the "Widcom VTC-

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56.” *Id.* ¶¶ 50-60.

Executed on November 17, 2004, at San Francisco, California. I declare under penalty of perjury that the foregoing is true and correct.

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/s/ Ryan M. Kent  
RYAN M. KENT