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10 Counsel for Defendants Compression Labs, Inc.,
Forgent Networks, Inc. and General Instrument Corp.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 GOOGLE, INC., a Delaware Corporation,
16 Plaintiff,

17 v.

18 COMPRESSION LABS, INC., a Delaware
corporation; FORGENT NETWORKS, INC., a
19 Delaware corporation; and GENERAL
INSTRUMENTS [sic] CORPORATION, a
20 Delaware corporation,
21 Defendants.

Case No. C00 C04 03934 CW

**DECLARATION OF L. STEVEN LESHIN
IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS OR, IN THE
ALTERNATIVE, TO TRANSFER**

Date: November 19, 2004
Time: 10:00 a.m.
Court: Honorable Claudia Wilken

22
23 I, L. STEVEN LESHIN, under penalty of perjury under the laws of the United States of
24 America, hereby declares and states:

25 1. I am an attorney and shareholder of the law firm Jenkens & Gilchrist, A
26 Professional Corporation, counsel for Defendants Compression Labs, Inc. ("CLI"), Forgent

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1 Networks, Inc. ("Forgent"), and General Instrument Corporation ("GI") in the above captioned
2 matter. I am over eighteen years of age, and am competent to testify in a court of law. The
3 statements made herein are based on my personal knowledge, except where indicated otherwise.
4

5 2. CLI filed two actions, presently pending in the Eastern District of Texas (the
6 "Agfa Texas Cases"), on April 22, 2004. The Agfa Texas Cases allege infringement of U.S.
7 Patent No. 4,698,672 (the "'672 patent") by two separate groups of defendants.
8

9 3. The Agfa Texas Cases were assigned case numbers 2:04-CV-158 and 2:04-CV-
10 159. Both were initially assigned to Judge Ward, and later reassigned to Judge Folsom.
11

12 4. On June 23, 2004, counsel for CLI initiated contact with Google's CEO for the
13 purpose of negotiating a license to practice the '672 patent.
14

15 5. From June 23, 2004 to August 5, 2004, counsel for CLI and Google exchanged
16 letters, emails, and telephone conversations regarding negotiations for a license of the '672
17 patent. Counsel for CLI never visited Google's facilities in the state of California.
18

19 6. On August 5, 2004, CLI filed a third complaint in the Eastern District of Texas,
20 naming Google and ten other entities as defendants that have and are infringing the '672 patent
21 (the "Google Texas Case"). That case was assigned case number 2:04-CV-294, and has also
22 been assigned to Judge Folsom.
23

24 7. CLI has no offices, facilities, bank accounts, real estate, telephone numbers or
25 postal addresses in the state of California.
26

27 8. CLI does not manufacture or deliver any products into the state of California.
28

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1 9. Prior to August 5, 2004, CLI, through its counsel, negotiated and entered into
2 non-exclusive license agreements with seven California residents. Negotiations for each of these
3 licenses occurred after the '672 Patent issued.
4

5 10. Each of the seven licenses CLI granted contain nearly identical terms, which do
6 not create or require active involvement with the licensees or continuing obligations on behalf of
7 CLI. Rather, the licenses contain standard grant and release clauses, a confidentiality clause, an
8 agreement by CLI to grant a new license on similar terms if the licensee buys a business that
9 produces or sells the products that are subject to the license, and an agreement that CLI will
10 indemnify the licensee against all claims arising from a breach of CLI's warranties found in the
11 agreement. No license agreement requires CLI to pursue or defend any patent infringement
12 action on behalf of the licensees.
13

14
15 11. A true and correct copy of Judge Folsom's October 4, 2004 Minute Entry is
16 attached hereto as Exhibit A.

17
18 12. A true and correct copy of General Instrument Corp.'s October 8, 2004 Patent
19 Assignment is attached hereto as Exhibit B.

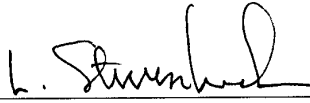
20
21 13. A true and correct copy of General Instrument Corp.'s Affidavit is attached hereto
22 as Exhibit C.

23
24 14. A true and correct redacted version of the December 9, 2003 Patent License
25 Agreement between CLI, Forgent, and Motorola, Inc. is attached hereto as Exhibit D.
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Signed this 12th day of October, 2004, at Dallas, Texas.



L. Steven Leshin

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