[™] JS 44 (Rev. 12/07) (cand rev 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

the civil docket sheet (SEE INS	TRUCTIONS ON PAGE T			o in copionico 157	1, 15 roquii		e ase of the exerc of	Court for the	purpose	or manageme	
I. (a) PLAINTIFFS	DEFENDANTS										
TEXTSCAPE LLC, a New Jersey Corporation				GOOGLE INC., a California Corporation							
(b) County of Residence of First Listed Plaintiff Mercer, New Jersey (EXCEPT IN U.S. PLAINTIFF CASES)				County of Residence of First Listed Defendant Santa Clara, California (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.							
(c) Attorney's (Firm Name, Address, and Telephone Number)				Attorneys (If Known)							
Michael E. Dergosits DERGOSITS & NOAH LLP Three Embarcadero Center, Suite 410 San Francisco, CA 94111				HRL							
II. BASIS OF JURISDI	III. CI	ITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff									
				(For Diversity Cases Only) and One Box for Defendant) PTF DEF PTF DEF							
1 U.S. Government			Crts	Citizen of This State 1 1 Incorporated or Principal Place 4 4 of Business In This State							
2 U.S. Government			Citizen of Another State 2 2 Incorporated and Principal Place 5 5 5 of Business In Another State							5	
				zen or Subject of a 3 Foreign Country		3 Foreign Nation		6 6 6			
IV. NATURE OF SUIT (Place an "X" in One Box Only)											
CONTRACT	· · · · · · · · · · · · · · · · · · ·	DRTS DEDCONAL IN		FORFEITURE/PE	NALTY		ANKRUPTCY	1	R STAT		
110 Insurance 120 Marine 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle 750 Motor Vehicle 1355 Motor Vehicle 1360 Other Personal Injury CIVIL RIGHTS 441 Voting 442 Employment 443 Housing Accommodations 444 Welfare 445 Amer. w/Disabilities - Employment 446 Amer. w/Disabilities - Other 440 Other Civil Rights	PERSONAL IN 362 Personal Inj Med. Mahan 365 Personal Inj Product Liab 368 Asbestos Per Injury Product Liability PERSONAL PRO 370 Other Fraud 371 Truth in Len 380 Other Person Property Dan Product Liab PRISONE PETITION 510 Motions to N Sentence Habeas Corpus: 530 General 535 Death Penalt 540 Mandamus & 550 Civil Rights	ny Iny Iny Iny Iny Iny Iny Iny Iny Iny I	610 Agriculture 620 Other Food & Drug 625 Drug Relåted Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs. 660 Occupational Safety/Health 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act IMMIGRATION 462 Naturalization 463 Habeas Corpus Alien Detainee 465 Other Immigration Actions		423 \ PRO	Appeal 28 USC 158 Withdrawal 28 USC 157 PERTY RIGHTS Copyrights Platent Frademark IAL SECURITY HIA (1395ff) Black Lung (923) DIWC/DIWW (405(g)) SSID Title XVI RSI (405(g)) CRAL TAX SUITS Taxes (U.S. Plaintiff or Defendant) RS—Third Party 26 USC 7609	400 State Reapportionment 410 Antitrust 430 Banks and Banking 430 Commerce 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 810 Selective Service 550 Securities/Commodities/ Exchange 875 Customer Challenge 12 USC 3410 890 Other Statutory Actions 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 389 Energy Allocation Act 4895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes			
1 Original 2 Remo		llate Court	4 Reinsta Reoper	ted or 5 anothed (spec	cify)	ot 🗀	□ 6 Multidistrict Litigation	☐ 7 Jud Ma Jud	peal to D lge from gistrate gment		
VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 35 U.S.C. Sec. 271, 281 Brief description of cause: Patent Infringement											
VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23				DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No							
VIII. RELATED CASE(S) IF ANY	PLEASE REFER "NOTICE OF RI	TO CIVIL L.R. 3 ELATED CASE".	-J3 COV	CERNING REQU	JIREMĒ	NT TO	FILE				
IX. DIVISIONAL ASSIGNMENT (PLACE AND "X" IN ONE				RANCISCO/OA	KLAND) [□ SAN JOSE				
DATE September 25, 2009	N	AGNAVURE DE	ATTORN	EY RECORD							
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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box,

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity.

Example:

U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet,