

**GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY  
OF CLAIM 1 OF U.S. PATENT NO. 5,713,740**

**Exhibit C**



**Patent L.R. 3-1(a)**

Textscape alleges that Google infringes at least claim 1 (“the Asserted claim”) of U.S. Patent No. 5,713,740 (“the ‘740 patent”) under 35 U.S.C. § 271(a) and (c).

**Patent L.R. 3-1(b)**

Textscape Textscape alleges that Google’s Chrome Web Browser (including all versions of the same) infringes the Asserted Claims of the ‘740 patent (collectively “the Accused Products”).

**Patent L.R. 3-1(c)**

<b>Claim 1 of US 5,713,740</b>	<b>Google Chrome Web Browser</b>
1. A method of producing a representation of text to enable a person to obtain some comprehension of said text without reading all of said text, comprising the steps of:	The Google Chrome Web Browser includes a Find in Page feature that allows a user to enter search terms to locate within a web page being viewed in the browser. The Chrome Web Browser uses the vertical scrollbar as a representation of the webpage and to show the location of hits for the search terms.
identifying at least one feature contained within at least a portion of said text;	The Find in Page feature of the Chrome Web Browser allows a user to enter a search term. The Chrome Web Browser searches the text of the currently displayed web page to identify hits for the search term.
creating at least one representation of said portion of said text,	The Chrome Web Browser uses the vertical scrollbar as a representation of the web page and to show the location of hits for the search terms.

1 wherein said representation of said  
2 portion of said text does not include any  
3 readable words but does include a  
4 graphical indication that indicates the  
5 presence of said at least one feature at at  
6 least one location within said at least one  
7 representation.

The vertical scrollbar in the Chrome  
Browser does not include any readable  
words or text from the web page. For each  
hit of the search term, the Chrome Web  
Browser displays a horizontal yellow bar in  
the scrollbar at the location of the hit within  
the web page.

8 **Patent L.R. 3-1 (d)**

9 Textscape alleges that Google infringes the Asserted Claim of the '740 patent  
10 under 35 U.S.C. § 271(c) by providing software that meets all of the elements of the  
11 claims when operated by a user in the manner in which the software was designed.  
12 Accordingly, users of the Accused Products are direct infringers of the Asserted Claim.  
13 To the extent that Google and its employees have used, demonstrated, tested or otherwise  
14 operated the Accused Products, Google is a direct infringer under 35 U.S.C. § 271(a).

15 **Patent L.R. 3-1(e)**

16 Textscape alleges that the Accused Products literally infringe the Asserted Claim  
17 of the '740 patent. However, Textscape reserves the right to assert infringement under  
18 the Doctrine of Equivalents depending on the Court's claim construction in this case and  
19 additional facts learned in discovery.  
20

21 **Patent L.R. 3-1(f)**

22 The Asserted Claim is entitled to the benefit of the filing date of an earlier filed  
23 application 08/184,493 which was filed on January 18, 1994 and issued as U.S. Patent  
24 No. 5,556,282.  
25

26 **Patent L.R. 3-1(g)**

1 Textscape does not manufacture of its own products practice the claimed  
2 invention set forth in the asserted claims of the '740 Patent.

3 **Patent L.R. 3-1(h)**

4 At this time Textscape does not allege that Google has willfully infringed the  
5 asserted claims of the '740 Patent. However, since discovery has yet to be completed,  
6 Textscape reserves the right to allege willful infringement by Google should facts  
7 supporting such allegations be discovered.  
8

9  
10 **Patent L.R. 3-2**

- 11 (a) No documents.  
12 (b) TEXTG0000411 – TEXTG0000516  
13 (c) TEXTG0000001 – TEXTG0000410  
14 (d) TEXTG0000517 – TEXTG0000521  
15 (e) No documents.  
16

17  
18  
19 Dated: March 26, 2010

Respectfully submitted,

20 /s/ Edward W. Goldstein

21 Edward W. Goldstein

22 Corby R. Vowell

GOLDSTEIN, FAUCETT & PREBEG, L.L.P.

23 1177 West Loop South, Suite 400

Houston, Texas 77027

24 Telephone: (713) 877-1515

Facimile: (713) 877-1145

25 E-mail: egoldstein@gfpiplaw.com

cvowell@gfpiplaw.com

26  
27 ATTORNEYS FOR PLAINTIFF  
28 TEXTSCAPE LLC



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

**CERTIFICATE OF SERVICE**

I hereby certify that on March 26, 2010, a true copy of the foregoing document was sent to Defendant's Counsel by email to Counsel indicated below (\*) by U.S. mail:

Timothy T. Scott  
Geoffrey M. Ezgar  
Leo Spooner III  
**KING & SPALDING, LLP**  
333 Twin Dolphin Drive, Suite 400  
Redwood Shores, CA 94065  
Telephone: (650) 590-0700  
Facsimile: (650) 590-1900  
Email: tscott@kslaw.com  
Email: gezgar@kslaw.com  
Email: lspooner@kslaw.com

Mark H. Francis  
Christopher C. Carnaval  
Scott T. Weingaertner (\*)  
**KING & SPALDING, LLP**  
1185 Avenue of the Americas  
New York, NY 10036-4003  
Telephone: (212) 556-2100  
Facsimile: (212) 556-2222  
Email: mfrancis@kslaw.com  
Email: ccarnaval@kslaw.com  
Email: sweingaertner@kslaw.com

/s/ Edward W. Goldstein  
Edward W. Goldstein