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21 TEXTSCAPE LLC,  
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23 Plaintiff,  
24  
25 v.  
26 GOOGLE INC.  
27  
28 Defendant.

Case No. 5:09-cv-04552-JF

Honorable: Judge Jeremy Fogel

**DECLARATION OF SCOTT T.  
WEINGAERTNER IN SUPPORT OF  
GOOGLE INC.'S MOTION TO STAY  
PENDING REEXAMINATION OF U.S.  
PATENT NO. 5,713,740**

1 STATE OF NEW YORK )

2 ) ss

3 COUNTY OF NEW YORK )

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5 I, Scott T. Weingaertner, declare as follows:

6 1. I am a partner at King & Spalding LLP, 1185 Avenue of the Americas, New  
7 York, New York, and I represent Defendant Google Inc. ("Google") in this action. I submit this  
8 Declaration in support of *Google Inc.'s Motion to Stay Pending Reexamination of U.S. Patent*  
9 *No. 5,713,740.*

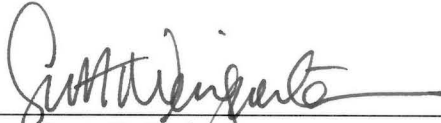
10 2. Attached as Exhibit 1 is a true and correct copy of *Plaintiff's Disclosure of*  
11 *Asserted Claims and Infringement Contentions*, served by Textscape LLC ("Textscape") upon  
12 Google on March 26, 2010.

13 3. Attached as Exhibit 2 is a true and correct copy of the *Request for Ex Parte*  
14 *Reexamination under 37 C.F.R. § 1.5.10* that was submitted to the United States Patent and  
15 Trademark Office ("USPTO") on April 2, 2010, concerning claims 1-6 and 11-17 of U.S. Patent  
16 No. 5,713,740 (without attachments).

17 4. Attached as Exhibit 3 is a true and correct copy of the May 13, 2010 USPTO  
18 Grant of Request for Reexamination of U.S. Patent No. 5,713,740, based on a substantial new  
19 question of patentability.

20 5. Attached as Exhibit 4 is a true and correct copy of the USPTO's *Ex Parte*  
21 *Reexamination Filing Data* as of March 31, 2010, *available at*  
22 [http://www.uspto.gov/patents/stats/Reexamination\\_Information.jsp](http://www.uspto.gov/patents/stats/Reexamination_Information.jsp).

23 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
24 June 16, 2010.

25  
26 By   
27 Scott T. Weingaertner

28