

**GOOGLE INC.'S MOTION TO STAY
PENDING REEXAMINATION OF U.S. PATENT NO. 5,713,740**

Exhibit 1

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17 TEXTSCAPE LLC, §
18 Plaintiff, § Civil Action No.: 5:09-cv-04552 JF
19 v. §
20 GOOGLE INC., § PLAINTIFF'S DISCLOSURE OF
21 Defendant. § ASSERTED CLAIMS AND
22 § INFRINGEMENT CONTENTIONS
23 §

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Pursuant to Patent Local Rule 3-1 and the Court's Scheduling Order in this case, Plaintiff Textscape LLC ("Textscape") provides this Disclosure of Asserted Claims and Infringement Contentions to Defendant Google Inc. ("Google").

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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)

Claim 1 of US 5,713,740	Google Chrome Web Browser
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,

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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:

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