

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 06-60905-CIV-ALTONAGA/Turnoff

F & G RESEARCH, INC.,

Plaintiff,

vs.

GOOGLE INC.,

Defendant.

STATEMENT OF UNDISPUTED FACTS

1. F & G claim is based upon Google’s distribution of its Google Earth (GE) Software.
2. GE will work with any computer mouse, McClendon Deposition Exhibit 2, ¶ 4
3. GE will work with any computer mouse, including those with no scrolling features, McClendon Deposition Exhibit 2, ¶5.
4. GE will work with a non-scrolling mouse by holding down the left button on the mouse and sending commands to a navigation compass displayed on the GE software to move the entire display on the screen in the X-Y, Z and tilt directions. McClendon deposition.
5. The commands sent to the navigation compass will be interpreted by the source code associated with the GE to effect the commands on the screen.
6. The source code associated with GE can effect (or mimic) the steps (a)-(d) in claim 12 of the ‘229 patent. (McClendon deposition).
7. Google had knowledge of the ‘229 patent prior to July 6, 2006. McClendon deposition

8. Google 's instruction Manual distributed with the GE software prior to July 6, 2006, describes in detail how to move the display on the screen with a non-scrolling mouse. (McClendon deposition)
9. The mode of operation of GE with a non-scrolling mouse is an alternative to use of a scrolling mouse to effect the movements of the display on the screen. (McClendon deposition).

Respectfully submitted,

ALLEN D. BRUFISKY, PA

Dated: August 2, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd, day of June, 2007, I electronically filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record: **Gregory Hillyer and Ramsey Al-Salam**, and I certify that I have mailed the foregoing document to the following parties or counsel of record who are non-CM/ECF participants: NONE.

s/ Allen D. Brufsky
Allen D. Brufsky, Esq.