IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

NO. 06-60905-CIV-ALTONAGA/TURNOFF

F & G RESEARCH, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

DECLARATION OF RYAN J. McBRAYER IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO PLAINTIFF'S CROSS MOTION FOR SUMMARY JUDGMENT

I, Ryan J. McBrayer, hereby declare as follows:

1. I am an attorney duly admitted to practice law in the state of Washington and practice as an associate with the law firm of Perkins Coie LLP ("Perkins Coie"), attorneys for Google Inc. My responsibilities include researching technical issues, conducting discovery, and drafting and reviewing all pleadings in the case. I make this declaration based on my personal knowledge and experience in this matter.

2. Attached hereto as Exhibit 1 is a true and correct copy of correspondence I sent to and received from Allen Brufsky, counsel for the plaintiff, related to our request that F&G Research concede that certain terms of the patent-in-suit should be interpreted as means-plus-function limitations under 35 U.S.C. §112 ¶6. As indicated on the final page of Exhibit 1, Mr. Brufsky agreed that the term "supplemental control means" is a means-plus-function limitation.

3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 5,095,303.

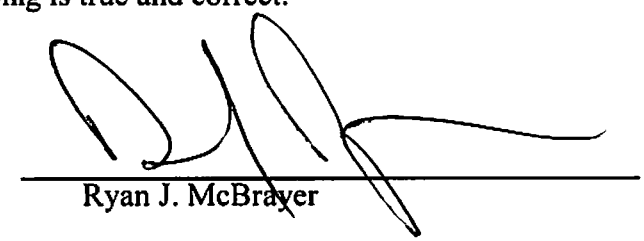
4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the file history from U.S. Patent No. 5,303,229 – the patent asserted by F&G Research, Inc. in this matter.

5. Attached hereto as Exhibit 4 are true and correct copies of U.S. Patent No. 5,485,174 and No. 5,333,247.

6. Attached hereto as Exhibit 5 is a true and correct copy of the parties' respective briefs (without exhibits) to Patrick Flinn, the agreed neutral evaluator in the case. In a conference call with Mr. Flinn, at which Mr. Brufsky was present, Mr. Flinn communicated his conclusion that F&G Research was not likely to prevail on its claim for direct infringement.

I declare under the penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 13th day of August, 2007.



Ryan J. McBrayer