

EXHIBIT B

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 RAMSEY M. AL-SALAM IN SUPPORT OF GOOGLE INC.'S
MOTION FOR SUMMARY JUDGMENT AND FOR ATTORNEYS' FEES**

I, Ramsey M. Al-Salam, hereby declare as follows:

1. I am a partner with Perkins Coie LLP, counsel for defendant Google Inc. in this action. I make this declaration of my personal knowledge unless otherwise indicated.

2. Google, both through its in-house counsel and outside counsel, have repeatedly explained to plaintiff's counsel that its claims in this case have no factual or legal basis, and that plaintiff should abandon the case without the need for Google to move for summary judgment. The Complaint in this action, for example, alleges that Google distributes and sells "scrolling wheel computer mice." Compl. ¶ 7. My understanding is that Google has never been in the business of distributing or selling computer mice. I also understand that Google's in-house counsel called plaintiff's counsel, and explained these facts, with the hope that plaintiff's counsel would agree to dismiss the case without the need for Google to bring this motion. Instead, plaintiff's counsel filed an Amended Complaint, asserting that Google is liable for distributing software that is "compatible" with the patented mouse. See Amended Compl. ¶ 7. In its Joint Discovery Plan and Schedule, filed on September 29, 2006, plaintiff and its counsel explained their theory in more detail, including that the Google Earth software is the software at issue.

3. Following the filing of the Amended Complaint, I spoke with Allen Brufsky, plaintiff's counsel, and explained, again, that there was no basis for the assertion of contributory

infringement with respect to the Google Earth software. We explained that the claim has no basis because, among other things, the Google Earth software can work with any computer mouse, including mice licensed under the '229 patent and thus has substantial non-infringing uses within the meaning of 35 U.S.C. § 271(c). We asked that plaintiff dismiss its claim.

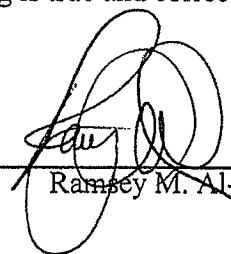
4. Even after preparing this motion, we tried to convince plaintiff to abandon its claims without the need for the parties or the Court to address this issue. In particular, on November 22, 2006, in compliance with Rule 11(b)(1)(A) of the Federal Rules of Civil Procedure, I served a copy of the memorandum filed herewith, as well as this declaration, and a copy of Mr. McClendon's declaration, on Mr. Brufsky. I explained that we were providing the materials in compliance with Rule 11, and in the hope that he would withdraw the complaint. A copy of my cover letter to Mr. Brufsky is attached hereto as Exhibit 1.

5. Plaintiff has asserted the patent-in-suit against third parties. In response to our counterclaim, plaintiff has admitted that it has sued and provided licenses to companies such as Logitech, Primax Electronics, Ltd., Acco Brands, Inc., Sony Corporation, Spec Research, Inc., and Chicony Electronics Company. See Countercl. ¶¶ 9, 15, 21, 25, 27, and 31 (alleging licensing of specific companies), Plaintiff's Reply to Counterclaim, ¶2 (admitting the allegations). We understand that these companies sell computer mice. There is information suggesting that Logitech is the largest distributor of computer scrolling mice in the world. See Exh. 2.

6. Google has incurred attorneys' fees and costs of approximately \$31,500 in researching and preparing the motion.

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 15th day of December, 2006.



Ramsey M. Al-Salam



Ramsey M. Al-Salam
PHONE: (206) 359-6385
FAX: (206) 359-7385
EMAIL: RAlsalam@perkinscoie.com

1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
PHONE: 206.359.8000
FAX: 206.359.9000
www.perkinscoie.com

November 22, 2006

VIA EMAIL & U.S. MAIL

Allen David Brufsky
Christopher & Weisberg, P.A.
200 E. Las Olas Blvd.
Suite 2040
Fort Lauderdale, FL 33301

**Re: F & G Research, Inc. v. Google Inc.
USDC Southern District of Florida, Miami Division 06-60905
Client-Matter No. 41063-0039**

Dear Allen:

Please find enclosed the following documents:

- (1) Google Inc.'s Motion and Memorandum in Support of Motion for Summary Judgment and for Attorneys' Fees;
- (2) Statement of Undisputed Facts;
- (3) Declaration of Brian McClendon; and
- (4) A draft declaration by me.

We are not filing these documents, but are serving them pursuant to Rule 11 of the Federal Rules of Civil Procedure. For the reasons we have stated before, and as reflected in the motion, there is no factual or legal basis for the assertion of the '229 patent against Google. We hope after considering these issues further you will agree. If you disagree, and agree to waive the

41063-0039/LEGAL12550650.1

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · LOS ANGELES
MENLO PARK · OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · WASHINGTON, D.C.
Perkins Coie LLP and Affiliates

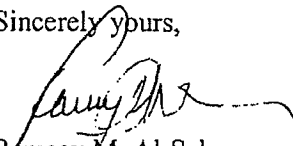
EXHIBIT 1

Allen David Brufsky
November 22, 2006
Page 2

notice requirements of Rule 11, we will promptly file the motion. We believe both parties would benefit from a resolution of this issue.

Thank you and we look forward to hearing from you.

Sincerely yours,



Ramsey M. Al-Salam

RMA/alu
Enclosures

41063-0039/LEGAL12550650.1

EXHIBIT 1

Products Experience Support Downloads About Logitech Partners Search:

[Home](#) [Partners > System Builders and Integrators > Mice > Value Optical Mouse Black \(SBF-90\)](#)

System Builders and Integrators

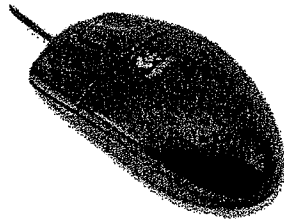


What are you looking for?

Value Optical Mouse Black (SBF-90)

P/N 953817-0403

Features: PC • 3-Button • Scroll Wheel • PS/2



Learn More: [> Introduction](#) [> Features](#) [> Datasheet \(pdf\)](#)

[System > Builder Center](#)

Logitech Product Suite
[Mice](#)
[> Keyboards](#)
[> Mouse & Keyboard Combinations](#)
[> Speakers](#)
[> Webcams](#)

[> Alternate Views](#)

Quality and Durability

The familiar shape is ideal for any user. Made with the expertise of the world's largest mouse manufacturer, this mouse provides a quality feel and durability that exceed the expectations of its value pricing.

Long-Lived Productivity

State-of-the-art optical sensors provide the smoothest tracking on almost any surface. Since there are no moving parts, optical mice perform without any cleaning or maintenance and outlast traditional ball-base mice.

Features

- Logitech quality & durability from the #1 global leader of Mice
- Optical Precision at a value price
- Highly successful industrial design, great for use by hand sizes

System Requirements

- IBM or compatible system
- Windows 3.1, 95, 98, NT, 4.0, XP
- Available PS/2 port

Resource Center
[> FAQs](#)
[> Warranties](#)
[> Drivers](#)
[> Product Related](#)
[> Corporate Related](#)
[> White Papers](#)

Logitech Partner Programs
[> Partner Select](#)

EXHIBIT 2

Your Digital Locker

Find, Try, Buy

Downloads

All Software

Hardware

Desktop PCs & Servers

Notebook PCs

Digital Cameras & Video

Mobile I

Search:

Windows Marketplace

Download your holiday gifts today! Go>>

Home Hardware > Input Devices > Mice > Basic Mice > Logitech MX 310 Optical Mouse - mouse

Logitech MX 310 Optical Mouse - mouse By Logitech

Customer Rated ★★★★★ Rate this item >



This is not your ordinary optical mouse. The MX 310 includes the new MX optical engine, a tracking technology so advanced that you get instant response to even your fastest movements. You'll get outstanding performance and a comfortable fit in an eye-catching design. From Logitech, the world's largest mouse manufacturer.

[View full product specification](#)

EXHIBIT 2