

EXHIBIT C

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 BRIAN McCLENDON IN SUPPORT OF GOOGLE INC.'S
MOTION FOR SUMMARY JUDGMENT AND ATTORNEYS' FEES**

I, Brian McClendon, hereby declare as follows:

1. I am an employee of Google Inc. I am the Engineering Director for Google Earth.

I have personal knowledge of the facts below unless otherwise indicated.

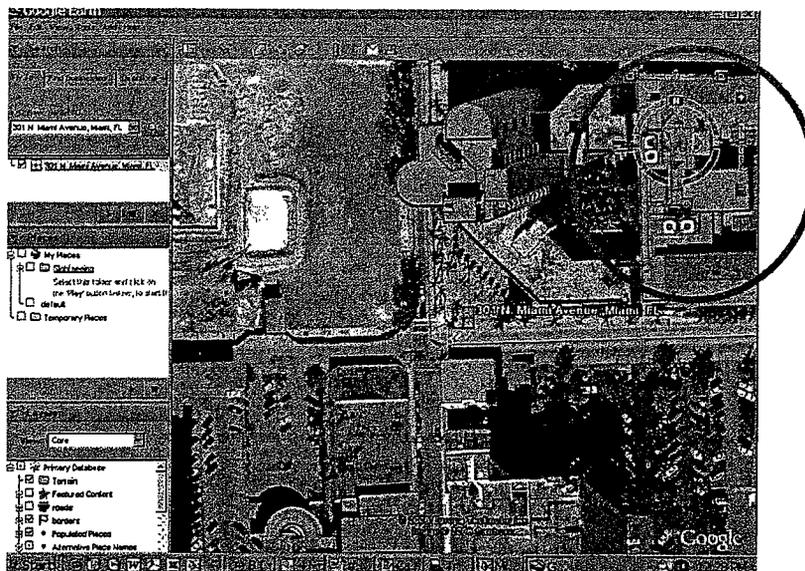
2. Google Earth is software that is distributed to users for free, and is available to anyone at our website at: <http://www.earth.google.com>. Google also offers some enhanced versions of Google Earth for a fee, including "Google Earth Plus" and "Google Earth Pro."

3. Google Earth allows a user to navigate satellite images of the Earth.

4. Google Earth can be used with only a keyboard and without a computer mouse.

As an example, a user may type an address into the address box, and Google Earth will provide a satellite image of the location. Then, the user may use the arrow buttons on his or her keyboard to navigate around the image (e.g., to the north or south). In fact, our website explains to users how they can navigate and use Google Earth with only a keyboard. See Exhibit 1.

5. Google Earth will also work well with *any* computer mouse, including mice that do not have a "scrolling" feature. With a non-scrolling computer mouse, for example, a user may "click" on the buttons in the navigation circle at the upper right-hand corner of the image.



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By clicking on the top button, for example, the user can proceed to the north of any specific location. In addition, the user can zoom into an area by using the bar to the right of the navigation circle and can tilt the image by using the bar above the navigation circle. Again, this functionality may be used with any type of computer mouse.

6. If a user has a “scrolling” mouse, the scrolling button on the “scrolling” mouse may be used to zoom in and out of an image on Google Earth. However, this zooming functionality is available to user of Google Earth regardless of whether the user uses the scrolling button or has a “scrolling” mouse.

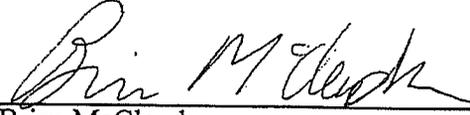
7. To the best of my knowledge, Google has never distributed any software that has functionality that works only with a mouse, much less only with a scrolling mouse.

8. Google has no policy or procedure whereby it asks users what type or brand of mouse they use prior to distributing the software to them.

9. Google has no way of determining if a user is using a mouse, or what type or brand of mouse is being used, with Google Earth.

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 20 day of November, 2006.



Brian McClendon

3D Viewer Navigation

The following keystrokes control navigation in the 3D viewer. For more information about navigating in the 3D viewer, see [Using the Navigation Controls](#).

Note - The focus must be in the 3D viewer in order for these controls to take effect. Simply click anywhere in the 3D viewer to change focus.

Command	Windows/Linux Keystroke(s)	Mac Keystroke(s)	Result
Move Left	Left arrow	Left arrow	Moves the viewer in the direction of the arrow.
Move Right	Right arrow	Right arrow	Moves the viewer in the direction of the arrow.
Move Up	Up arrow	Up arrow	Moves the viewer in the direction of the arrow.
Move Down	Down arrow	Down arrow	Moves the viewer in the direction of the arrow.
Rotate Clockwise	Shift + Right arrow, Ctrl + scroll DOWN	Shift + Right arrow	Rotates the view clockwise. The earth spins counter-clockwise.
Rotate Counter-clockwise	Shift + Left arrow, Ctrl + scroll UP	Shift+Left arrow	Rotates the view counter-clockwise.
Show/hide Overview window	Ctrl + M	⌘ + M	Displays or closes overview window .
Tilt Up	Shift + Up arrow, PgUp key, Shift + scroll wheel	Shift + Up arrow, Shift + scroll wheel	Tilts the viewer toward "top-down" view. <i>Tip:</i> to use the <i>Page Up</i> key, make sure <i>Num Lock</i> on your keyboard is off.
Tilt Down	Shift+Down arrow, PgDn key, Shift + scroll wheel	Shift + Down arrow, Shift + scroll wheel	Tilts the viewer toward "horizon" view. <i>Tip:</i> to use the <i>Page Down</i> key, make sure <i>Num Lock</i> on your keyboard is off.
Zoom in	Ctrl + Up Arrow, scroll wheel	⌘ + Up Arrow, scroll wheel, + key	Zooms the viewer in. If your mouse has a scroll wheel in the middle, pull it toward you to zoom in.
Zoom out	Ctrl + Down Arrow, scroll wheel, - key (both keyboard and numpad)	⌘ + Down Arrow, scroll wheel, - key (both keyboard and numpad)	Zooms the viewer out. If your mouse has a scroll wheel in the middle, push it away from you to zoom out.
Stop Current Motion	Spacebar	Spacebar	When the viewer is in motion, stops movement
Reset view to "north - up"	n	(not supported)	Rotates view so that view is <u>n</u> orth-up.
Reset tilt to "top-down"	u	u	Resets angle to view scene in "top-down" or " <u>u</u> p" mode.

view

Reset tilt and
compass
view to
default

r

Resets angle to view "top-down" and rotates to "north-up" view. Use this feature to orient the earth in the center of the viewer.

Tip - Use the ALT key in combination with most of these keystrokes to move more slowly in the indicated direction.

EXHIBIT 1