

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

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

F & G RESEARCH, INC.,

Plaintiff,

vs.

GOOGLE INC.,

Defendant.

**F & G RESEARCH, INC.'S RESPONSE TO GOOGLE INC.'S
STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT AND FOR ATTORNEYS' FEES**

Pursuant to the Southern District of Florida Local Rule 7.5.C., Plaintiff, F & G Research, Inc. ("F&G"), submits its Response to Google Inc.'s ("Google") Statement of Undisputed Facts in Support of Motion for Summary Judgment and for Attorneys' Fees.

F&G'S RESPONSE

1. Disputed. Plaintiff F&G sued Google Inc. for direct, contributory, and induced infringement.
2. Disputed. F&G's claims of indirect (contributory and induced) infringement are limited to Claim 12.
3. Disputed. The quoted method of operating a computer can be performed with devices other than a mouse. The "display means" referred to in the quoted excerpts is the critical element with respect to Defendant's accused product.
4. Disputed for same reasons as paragraph 3.

5. Undisputed. F&G is also currently litigating against unlicensed mouse manufacturers that Defendant is aware of and has licensed at least one other software manufacturer.

6. Undisputed.

7. Undisputed.

8. Undisputed.

9. Disputed. F&G reasonably believes discovery will show unlicensed mouse users use Google Earth. Google teaches all mouse users to use scrolling mice. Google Earth users frequently blog the use of scrolling mice as necessary to achieve the software's desired functionality, even though a mouse is not the only device that will perform the desired function.

10. Undisputed by immaterial.

11. Disputed. All three versions of Google Earth form the basis of F&G's claims of patent infringement. Google also makes advertising revenue from it's allegedly "generally free" distribution version.

12. Disputed for the same reasons as paragraph 9.

13. Disputed for the same reasons as paragraph 11.

14. Disputed for the same reasons as paragraph 11

Dated: January 24, 2007
Fort Lauderdale, Florida

Respectfully Submitted,

s/ Allen D. Brufsky
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Attorneys for Plaintiff, F & G Research, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th, day of January, 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, Esq. and Ramsey Al-Salam, Esq.**, and I certify that I have mailed by United States Postal Service the document to the following parties or counsels of record who are non-CM/ECF participants: NONE.

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

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