

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

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

F & G RESEARCH, INC.,

Plaintiff,

vs.

GOOGLE INC.,

Defendant.

SUPPLEMENTAL REPORT BY PLAINTIFF F & G RESEARCH, INC.

Plaintiff, F & G Research, Inc. ("F&G"), hereby submits this supplemental argument to the Status Report and regrets to inform the Court that the parties have been unable to resolve the dispute underlying the pending Motion for Summary Judgment and Attorneys' Fees and requests the Court to make its ruling.

Regarding the issue concerning the motion for sanctions (attorneys' fees), F&G hereby put forth to this Court's attention the recent case of *Q-Pharma, Inc. v. The Andrew Jergens Co.*, 360 F.3d 1295 (Fed. Cir. 2004), which held that where a patentee obtained a sample of the accused product, reviewed the alleged infringer's statements made in the labeling and advertising of the accused product, and compared the claims of the patent with the accused product, and requested claim interpretation in accordance with its charge, as here, the infringement claim was not frivolous or reasonably unjustified as the belief of liability was genuine and not a sham.

F&G therefore respectfully prays this Court reconsider its remarks from the bench that sanctions may be appropriate in this case.

Respectfully submitted,

ALLEN D. BRUFISKY, PA

Dated: March 4, 2007

By: s/ Allen D. Brufsky

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th, day of March, 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, Ramsey Al-Salam, Joseph Englander, and Alan Weisberg**, 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.