

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON**

iLOR, LLC,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 5:07-cv-00109-JMH

DECLARATION OF PETER J. KIRK

I, Peter J. Kirk, declare as follows:

1. My name is Peter J. Kirk. I submit this Declaration in support of Defendant Google Inc.'s Consolidated Opposition to Plaintiff's Motion for Preliminary Injunction and Memorandum in Support of Its Cross-Motion for Summary Judgment of No Infringement.
2. I am an attorney with the law firm Fish & Richardson P.C., counsel for Defendant Google Inc. in the above-captioned action.
3. Attached to this declaration as **Exhibit A** is a true and accurate copy of the Deposition Transcript of Stephen Myers Mansfield, taken October 9, 2007.
4. Attached to this declaration as **Exhibit B** is a true and accurate copy of an article: Paul Thurrott, *Netscape Communicator 4.07 now available*, WINDOW IT PRO, Oct. 5, 1998.
5. Attached to this declaration as **Exhibit C** is copy of a tutorial accurately depicting the operation of certain features of Netscape Navigator version 4.07.

6. Attached to this declaration as **Exhibit D** is a true and accurate copy of Netscape Navigator 4.07 software.
7. Attached to this declaration as **Exhibit E** is a true and accurate copy of U.S. Patent No. 5,515,496, issued May 7, 1996.
8. Attached to this declaration as **Exhibit F** is a true and accurate copy, dated December 22, 2006, of an EPO Communication from the prosecution history of European Patent Application No. 1930476.5 (Germany).
9. Attached to this declaration as **Exhibit G** is a true and accurate copy, dated November 8, 2001, of International Patent Publication No. WO 01/84370.
10. Attached to this declaration as **Exhibit H** is a true and accurate copy, dated August 26, 2004, of an Amendment and Reply Under 37 C.F.R. §§ 1.111 and 1.121 from the prosecution history of U.S. Patent 6,925,496 (which issued from U.S. Patent Application No. 09/594,786).
11. Attached to this declaration as **Exhibit I** is a true and accurate copy, dated November 3, 2006, of an Amendment in Response to Non-Final Office Action from the prosecution history of U.S. Patent No. 7,206,839.
12. Attached to this declaration as **Exhibit J** is a true and accurate copy, dated August 7, 2006, of an Office Action from the prosecution history of U.S. Patent No. 7,206,839.
13. Attached to this declaration as **Exhibit K** is a true and accurate copy, dated November 21, 2006, of Notice of Allowability from the prosecution history of U.S. Patent No. 7,206,839.
14. Attached to this declaration as **Exhibit L** is a true and accurate copy of a web page from the Web Standards Project entitled “Adding Multimedia in Web Documents” regarding

“graphic element,” <http://www.webstandards.org/learn/articles/askw3c/jun2004/>, accessed October 17, 2007.

15. Attached to this declaration as **Exhibit M** is a true and accurate copy of a web page of World Wide Web Consortium (W3C) Web Accessibility Initiative for “Evaluating Text Equivalents” regarding “graphic elements,” <http://www.w3.org/WAI/EO/2004/07/equivalents.html>, accessed October 17, 2007.
16. Attached to this declaration as **Exhibit N** is a true and accurate copy of a claim chart for Netscape Navigator 4.07.
17. Attached to this declaration as **Exhibit O** is a true and accurate copy of a claim chart for Netscape Navigator 4.07 in light of U.S. Patent No. 5,515,496 to Kaehler.
18. Attached to this declaration as **Exhibit P** is a true and accurate copy of Exhibit 9 from the Deposition of Stephen Myers Mansfield, taken October 9, 2007.
19. Attached to this declaration as **Exhibit Q** is a true and accurate copy of Exhibit 6 from the Deposition of Stephen Myers Mansfield, taken October 9, 2007.
20. Attached to this declaration as **Exhibit R** is a true and accurate copy of Exhibit 11 from the Deposition of Stephen Myers Mansfield, taken October 9, 2007.
21. Attached to this declaration as **Exhibit S** is a true and accurate copy of Exhibit 8 from the Deposition of Stephen Myers Mansfield, taken October 9, 2007.
22. Attached to this declaration as **Exhibit T** is a true and accurate copy of Exhibit 7 from the Deposition of Stephen Myers Mansfield, taken October 9, 2007.
23. Attached to this declaration as **Exhibit U** is a true and accurate copy of Exhibit 17 from the Deposition of Stephen Myers Mansfield, taken October 9, 2007.

24. Attached to this declaration as **Exhibit V** is a true and accurate copy of a letter, dated May 16, 2006, to Google from Patrick Hanna regarding U.S. Patent No. 6,925,496 and the Google Notebook.
25. Attached to this declaration as **Exhibit W** is a true and accurate copy of a letter, dated July 14, 2006, to Patrick Hanna from Tim H. Pham regarding U.S. Patent No. 6,925,496.
26. Attached to this declaration as **Exhibit X** is a true and accurate copy of U.S. Patent No. 7,076,743, issued July 11, 2006.
27. Attached to this declaration as **Exhibit Y** is a true and accurate copy of a letter, dated July 11, 2006, to Marissa Mayer from Julie Petruzzelli regarding U.S. Patent No. 7,046,743.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of October 2007, at Boston, Massachusetts.

/s/ Peter J. Kirk
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