

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SKYHOOK WIRELESS, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

CIVIL ACTION
NO. 10-cv-11571-RWZ**DECLARATION OF CATHERINE R. MURPHY
IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO
SKYHOOK WIRELESS, INC.'S OPENING CLAIM CONSTRUCTION BRIEF**

I, Catherine R. Murphy, declare as follows:

1. I am over 18 years of age. I have personal knowledge of the facts stated herein, except those stated on information and belief, and, if called upon, could and would testify competently to them. I am associated with the law firm of Bingham McCutchen LLP, counsel for defendant Google, Inc. I make this declaration in support of Google Inc.'s Opposition to Skyhook Wireless, Inc.'s Opening Claim Construction Brief.
2. Attached as Exhibit A is a true and correct copy of Google's Amended Side-By-Side Comparison of Google's and Skyhook's Positions Regarding Indefiniteness and Proposed Claim Constructions.
3. Attached as Exhibit B is a true and correct copy of Google's July 25, 2011 Preliminary Identification of Claim Terms Subject to Claim Construction, and a cover letter from Susan Baker Manning, counsel for Google Inc., to Sam Lu, counsel for Skyhook Wireless, Inc.
4. On August 15, 2011, Google served its Proposed Claim Terms for Construction and Proposed Constructions. In that document, Google explicitly identified those terms it believes are indefinite in violation of 35 U.S.C. § 112, ¶ 2.

5. Also on August 15, 2011, Skyhook served its Preliminary Claim Constructions. In that document, Skyhook referenced each of the terms previously identified by Google as either indefinite or in need of construction, as well as those terms Skyhook had previously identified as in need of construction.

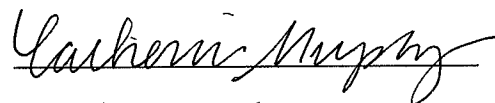
6. On August 30, 2011 Skyhook served its Amended Preliminary Claim Constructions, in which it proposed a construction for those terms previously identified as either indefinite or in need of construction.

7. On September 2, 2011, the parties met and conferred by telephone regarding the terms identified as indefinite and/or as in need of construction. During that call, Google reiterated its position that certain of the terms in the patents-in-suit are invalid as indefinite.

8. Attached as Exhibit C is a true and correct copy of correspondence between Ms. Manning and Mr. Lu dated September 14, 2011, in which Google reiterated its position that certain of the terms of the patents-in-suit are indefinite.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 28, 2011, in Washington, D.C.



Catherine R. Murphy

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants via U.S. Mail on September 28, 2011.

/s/ Catherine Murphy
Catherine Murphy