

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NETJUMPER SOFTWARE, L.L.C.
a Michigan limited liability corporation,

Plaintiff,

v.

GOOGLE INC.,
a Delaware corporation

Defendant.

Case No. 04-70366-CV
Hon. Julian Abele Cook, Jr.
Magistrate Judge R. Steven Whalen

Andrew Kochanowski (P55117)
Nabeel M. Hamameh (P60981)
SOMMERS SCHWARTZ, PC
2000 Town Center, Suite 900
Southfield, MI 48075

Michael H. Baniak
MCDONNELL, BOEHNEN HULBERT &
BERGHOFF, LLP
300 South Wacker Drive
Chicago, IL 60606

Attorneys for NetJumper Software, L.L.C.

Kathleen A. Lang (P34695)
L. Pahl Zinn (P57516)
DICKINSON WRIGHT PLLC
500 Woodward Avenue, Suite 4000
Detroit, MI 48226-3425
(313) 223-3500

Frank E. Scherkenbach
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110

Howard G. Pollack
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

Jason W. Wolff
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130

Attorneys for Google Inc.

**DEFENDANT GOOGLE INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF ITS CLAIM CONSTRUCTION BRIEFS**

Defendant Google Inc. (“Google”), by its attorneys, Fish & Richardson P.C. and Dickinson Wright PLLC, submits the United States Court of Appeals, Federal Circuit’s decision in *E-Pass Technologies, Inc. v. 3Com Corp., et. al.*, 473 F.3d 1213 (Fed. Cir. 2007) (Exhibit 1) in support of its Opening Claim Construction Brief, filed on July 11, 2006 (Doc. #86) and its Claim Construction Reply Brief, filed on August 7, 2006 (Doc. # 97). The *E-Pass* case further supports the authority provided in footnote 35 in Google’s opening brief and the statement made in footnote 23 in Google’s reply brief. *See, e.g., E-Pass*, 473 F.3d at 1222 (construing method claims to be performed in the order recited because each step relied upon the completed result of a prior step).

Respectfully submitted,

FISH & RICHARDSON, P.C.

By: /s/ Jason W. Wolff
12390 EL Camino Real
San Diego, CA 92130
(858) 678-5070
wolff@fr.com

Attorneys for Google Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to counsel of record.

By: /s/ Jason W. Wolff
FISH & RICHARDSON, P.C.
12390 EL Camino Real
San Diego, CA 92130
(858) 678-5070
wolff@fr.com