

# EXHIBIT H

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BRIGHT RESPONSE INC., ,

Plaintiff,

vs.

GOOGLE INC., et al.,

Defendants.

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Civil Action No. 2:07-cv-371-TJW

JURY TRIAL DEMANDED

**DEFENDANT GOOGLE INC.'S FIFTH SUPPLEMENTAL INITIAL DISCLOSURES  
PURSUANT TO FRCP 26(a)(1) AND DISCOVERY ORDER**

Defendant Google Inc. ("Google"), by counsel, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and the Court's Discovery Order issued on June 11, 2008, hereby provides the following supplemental initial disclosures to plaintiff Bright Response, LLC, formerly known as Polaris IP, LLC ("Bright Response"). These disclosures are made to the best of Google's ability and are based on the information reasonably available to the company, or in its possession as of this date, following a good faith inquiry in accordance with Rule 26 and the Discovery Order. Google's investigation of possible witnesses and documents is ongoing, however, and it reserves the right to supplement and amend this disclosure to produce additional information acquired during the course of this litigation, and to rely on such information as evidence in this action. And as explained in Google's Motion to Dismiss, or in the Alternative for a More Definitive Statement; Motion to Strike; and Motion to Stay Discovery, these disclosures are limited by the vagueness and insufficiency of Bright Response's complaint, which impedes Google's ability to determine which of its products are accused of infringement.

These disclosures are made without waiver of, or prejudice to, any objection Google may have to the use at trial of any of the information disclosed in this document, this document itself, or any document or thing produced pursuant to Rule 26 and the Discovery Order.

Google hereby incorporates by reference any and all Initial Disclosures of other defendants in this action or any other action brought by Bright Response for infringement of U.S. Patent No. 6,411,947 (the “’947 Patent”).

**I. Parties to the Lawsuit (Discovery order Paragraphs 1(a) and 1(b)).**

Pursuant to Paragraph 1(a) of the Discovery Order, the correct name of the Defendant is Google Inc. Pursuant to Paragraph 1(b) of the Discovery Order, Google is not currently aware of any potential parties to the lawsuit.

**II. Legal Theories and General Factual Bases of Claims or Defenses (Discovery Order Paragraphs 1(c)).**

Pursuant to Paragraph 1(c) of the Discovery Order, for a statement of the legal theories underlying Google’s claims or defenses, Google states as follows: (i) as explained in Google’s Motion to Dismiss, or in the Alternative for a More Definitive Statement; Motion to Strike; and Motion to Stay Discovery, and incorporated by reference herein, Bright Response’s complaint fails to state a claim on which relief can be granted; (ii) the ‘947 Patent is invalid and not infringed by Google; (iii) Google’s product(s) have substantial non-infringing uses; (iv) Bright Response’s claims are barred, in whole or in part, by waiver, unclean hands, laches and/or estoppel; (v) Bright Response’s claims are limited by the doctrine of prosecution history estoppel; (vi) Bright Response’s claims are barred by inequitable conduct in prosecuting the ‘947 patent, including without limitation, the intentional failure to bring prior art to the attention of the patent office, the intentional failure to bring to the attention of the patent office rejections of identical claims in the co-pending ‘059 patent, and the intentional submission of false

documentation to the patent office; and (vii) Bright Response's claims are limited by the failure to mark, failure to provide actual notice to Google, irregularities in the assignment history and/or failure to comply with the requirements of 35 U.S.C. § 287. In addition, as detailed more fully in Google's petition for ex parte reexamination of the '947 patent,<sup>1</sup> each of the claims asserted in Bright Response's infringement contentions are invalid over prior art. Bright Response is also barred from seeking injunctive relief because it has an adequate remedy of law available, it has unduly delayed seeking injunctive relief, and it has not, nor will it, suffer irreparable harm.

The general factual bases for Google's claims and/or defenses may be found in the production of documents made as required by the Court's Discovery Order, and further evidence in support of Google's claims and/or defenses is expected to be located in Bright Response's, Yahoo! Inc.'s, AOL LLC's, and America Online, Inc.'s production of documents and through third party discovery. Further details regarding the legal and factual bases for Google's claims that the '947 Patent is invalid will be made in connection with Google's compliance with Local Patent Rule 3-3.

These disclosures have been provided pursuant to Paragraph 1(c) of the Discovery Order prior to Google having had the opportunity to perform a full investigation into Bright Response's claims and its own claims and defenses, and these disclosures are being made prior to Google's filing of an answer and/or counterclaims in this matter. Moreover, as reflected in Google's Motion to Dismiss, or in the Alternative for a More Definitive Statement; Motion to Strike; and Motion to Stay Discovery, Bright Response's complaint is overly vague, thereby hindering Google's ability to disclose its legal theories and general factual bases. Google, therefore,

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<sup>1</sup> On June 12, 2008, the United States Patent and Trademark Office granted Google's petition for ex-parte reexamination of the '947 Patent.

hereby reserves the right to supplement these disclosures after it has performed a complete investigation into Bright Response's claims and its own claims and defenses.

**III. Individuals Likely to Have Discoverable Information that Google May Use to Support its Claims or Defenses (Discovery Order Paragraphs 1(d)).**

Pursuant to Fed. R. Civ. P. 26(a)(1)(A) and Paragraph 1(d) of the Discovery Order, Google hereby identifies the following individuals likely to have discoverable information that Google may use to support its claims and defenses and identifies the subjects of the information:

Name / Contact Information	Connection with the Case	Subject Areas
Jonathan Alferness <sup>2*</sup>	Google employee	Structure, characteristics, and/or operation of the accused features of AdWords
Albert Bodenhamer *	Google employee	Structure, characteristics, and/or operation of the accused features of Google Toolbar
Greg Badros *	Google employee	Structure, characteristics, and/or operation of the accused features of Gmail
Chris Rohrs *	Google employee	Structure, characteristics, and/or operation of the accused features of iGoogle
Amit Singhal *	Google employee	Structure, characteristics, and/or operation of the accused features of Google Search
Johanna Wright *	Google employee	Business and financial aspects of Google Search

<sup>2</sup> All persons and entities identified herein who are designated with an asterisk (“\*”) are employees of the Defendant and should be contacted only through Google’s counsel of record.

Name / Contact Information	Connection with the Case	Subject Areas
Jack Menzel*	Google employee	Business and financial aspects of Google Search
Shane Antos *	Google employee	Past business and financial aspects of the accused instrumentalities; damages.
Mary Hollendonor*	Google employee	Business and financial aspects of the accused instrumentalities; damages.
Michelle Lee *	Google employee	Google patent licensing practices and policies relating to the accused instrumentalities; damages
Gabe Mattera *	Google employee	Business and financial aspects of the accused instrumentalities; damages
Mike Jahr*	Google employee	Structure, characteristics, and/or operation of the accused features of Rephil
Bartholomew Furrow*	Google employee	Structure, characteristics, and/or operation of the accused features of Google's advertising programs
Bahman Rabii*	Google employee	Structure, characteristics, and/or operation of the accused features of AdSense for Content
Jack Ancone*	Google employee	Google's patent licensing practices and policies relating to the accused instrumentalities; damages
Jeff Huber*	Google employee	Structure, characteristics, and/or operation of the accused features of Google's advertising programs; business and marketing aspects of same
Daniel Wright*	Google employee	Structure, characteristics, and/or operation of the accused features of Google's advertising programs

Name / Contact Information	Connection with the Case	Subject Areas
Townsend, Townsend and Crew LLP (including individual attorneys that prosecuted the application leading to U.S. Patent No. 6,411,947) 2 Embarcadero Ctr, 8 <sup>th</sup> Floor San Francisco, CA 94111 (415) 576-0200	Prosecuted the application resulting in the identified patent.	Prosecution of the application resulting in issuance of U.S. Patent No. 6,411,947
Merchant & Gould, P.C. (including individual attorneys that prosecuted the application leading to U.S. Patent No. 6,411,947) 3200 IDS Center 80 South Eighth Street Minneapolis, MN 55402	Prosecuted the application resulting in the identified patent.	Prosecution of the application resulting in issuance of U.S. Patent No. 6,411,947
Ostrolenk Faber, LLP (including individual attorneys that prosecuted the application leading to U.S. Patent No. 6,411,947) 1180 Avenue of the Americas New York, NY 10036	Filed the provisional application resulting in the identified patent and prosecuting the co-pending '059 patent	Prosecution of the provisional application resulting in issuance of U.S. Patent No. 6,411,947 and the co-pending '059 patent.
Bright Response, LLC (including all successors, agents, and assigns) 208 C North Washington Avenue, Marshall TX 75670	Plaintiff	The purported invention of U.S. Patent No. 6,411,947; prior art; development and use of EZ Reader; ownership and licensing of U.S. Patent No. 6,411,947
Polaris IP, LLC (including all successors, agents, and assigns) 208 C North Washington Avenue, Marshall TX 75670	Plaintiff	The purported invention of U.S. Patent No. 6,411,947; prior art; development and use of EZ Reader; ownership and licensing of U.S. Patent No. 6,411,947
Anthony Angotti 2 E. Main St. Marcellus, NY 13108 (877) 456-1124	Named inventor	The purported invention of U.S. Patent No. 6,411,947; prior art.

Name / Contact Information	Connection with the Case	Subject Areas
Amy Rice 22 Whitlock Lane Ridgefield, CT 06877 (203) 894 8608	Named inventor	The purported invention of U.S. Patent No. 6,411,947; prior art.
Fred Cohen 1215 5 <sup>th</sup> Ave. New York, NY 10029 (212) 831-0566	Named inventor	The purported invention of U.S. Patent No. 6,411,947; prior art.
Rosanna Piccolo 191 Lakebridge Dr. N Kings Park, NY 11754-3957	Named inventor	The purported invention of U.S. Patent No. 6,411,947; prior art.
Julie Hsu 323 Ferris St. Peekskill, NY 10566-4708 (914) 737-6806	Named inventor	The purported invention of U.S. Patent No. 6,411,947; prior art.
Chase Manhattan Bank (including all successors, agents, and assigns) P.O. Box 36520 Louisville, KY 40233	Assisted in development of the '947 Patent and EZ Reader	The purported invention of U.S. Patent No. 6,411,947; prior art; Development and use of EZ Reader.
Jonathan Altfeld, P.O. Box 26622 Tampa, FL 33622 (813) 926-1000	Former Chase Manhattan Bank employee	The purported invention of U.S. Patent No. 6,411,947; prior art; Development and use of EZ Reader.
Brightware, Inc. (including all successors, agents, and assigns) 350 Ignacio Blvd. Novato, CA 94949	Original assignee; Assisted in development of the '947 Patent and EZ Reader	The purported invention of U.S. Patent No. 6,411,947; prior art; development and use of EZ Reader; ownership and licensing of U.S. Patent No. 6,411,947,
Silicon Valley Bank (including all successors, agents, and assigns) 3005 Tasman Drive Santa Clara, CA 95054 (408) 654-7400	Assignee	Ownership and licensing of U.S. Patent No. 6,411,947



Name / Contact Information	Connection with the Case	Subject Areas
Firepond, Inc. (including all successors, agents, and assigns) 8900 34 <sup>th</sup> Ave South, Suite 1000 Bloomington, MN 55425	Assignee	The purported invention of U.S. Patent No. 6,411,947; prior art; development and use of EZ Reader; ownership and licensing of U.S. Patent No. 6,411,947
Orion IP, LLC (including all successors, agents, and assigns) 74785 Highway 111, Suite 103 Indian Wells, CA 92210	Assignee	The purported invention of U.S. Patent No. 6,411,947; prior art; development and use of EZ Reader; ownership and licensing of U.S. Patent No. 6,411,947
Circinus IP, LLC (including all successors, agents, and assigns) 74785 Highway 111, Suite 103 Indian Wells, CA 92210	Assignee	The purported invention of U.S. Patent No. 6,411,947; prior art; development and use of EZ Reader; ownership and licensing of U.S. Patent No. 6,411,947
Bright Response, LLC (including all successors, agents, and assigns)	Plaintiff	The purported invention of U.S. Patent No. 6,411,947; prior art; development and use of EZ Reader; ownership and licensing of U.S. Patent No. 6,411,947
Erich Spangenberg	Owner of Plaintiff	Ownership, purchase and licensing of U.S. Patent No. 6,411,947
Audrey Spangenberg	Owner of Plaintiff	Ownership, purchase and licensing of U.S. Patent No. 6,311,947
IP Navigation Group	Consulting company	Ownership, purchase, and licensing of U.S. Patent No. 6,411,947
Acclaim Financial Group	Owner of Plaintiff	Ownership, purchase, and licensing of U.S. Patent No. 6,411,947
Douglas Croxall	Former Owner of Firepond	Ownership, purchase, and licensing of U.S. Patent No. 6,411,947
David Pridham	Plaintiff's Counsel	Ownership, purchase, and licensing of U.S. Patent No. 6,411,947
Agnar Aamodt	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Case-Based Reasoning: Foundational Issues, Methodological Variations, and System Approaches</i>
Timothy L. Acorn	Potential Prior Art Witness	Prior art to the '947 patent, including <i>SMART: Support Management Automated Reasoning Technology for Compaq Customer Service</i>

Name / Contact Information	Connection with the Case	Subject Areas
Bradley P. Allen Hermosa Beach, CA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent Nos. 5,581,664 and 5,585,218; <i>Case-Based Reasoning: Business Applications</i>
Klaus-Dieter Althoff	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Induction and Reasoning from Cases; INRECA: A Seamlessly Integrated System Based on Inductive Inference and Case-Based Reasoning</i>
Kevin D. Ashley	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A Case-Based System for Trade Secrets Law</i>
Eric Auriol	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Induction and Reasoning from Cases; INRECA: A Seamlessly Integrated System Based on Inductive Inference and Case-Based Reasoning</i>
Ralph Barlette	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Building a Case-Based Help Desk application</i>
Piero P. Bonissone	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Integrating Case Based and Rule Based Reasoning: The Possibilistic Connection</i>
W. Homer Carlisle	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A self-improving helpdesk service system using case-based reasoning techniques</i>
Kai H. Chang	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A self-improving helpdesk service system using case-based reasoning techniques</i>
Chang, Shi-Kuo	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A Knowledge- Based Message Management System</i>
Robert T. H. Chi	Potential Prior Art Witness	Prior art to the '947 patent, including <i>An Integrated Approach of Rule-Based and Case-Based Reasoning for Decision Support</i>
William W. Cohen	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Fast Effective Rule Induction; Learning Rules that Classify E-Mail</i>

Name / Contact Information	Connection with the Case	Subject Areas
Noel Conruyt	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Induction and Reasoning from Cases</i>
James H. Cross	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A self-improving helpdesk service system using case-based reasoning techniques</i>
Mary Czerwinski	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Compaq Quickscore: Providing the Consumer with the Power of AI</i>
Jody J. Daniels	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Case-Based Diagnostic Analysis in a Blackboard Architecture</i>
Tharam Dillon	Potential Prior Art Witness	Prior art to the '947 patent, including <i>An example of Integrating Legal Case Based Reasoning with Object-Oriented Rule-Based Systems: IKBALS II</i>
Charles P. Dolan Culver City, CA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,317,677
Soumitra Dutta	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Integrating Case Based and Rule Based Reasoning: The Possibilistic Connection</i>
M. Fathi-Torbaghan	Potential Prior Art Witness	Prior art to the '947 patent, including <i>ICARUS: Integrating rule-based and case-based reasoning on the base of unsharp symptoms</i>
Susan Fox	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Introspective Learning for Case-Based Planning</i>
George Furnas	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Recommending and Evaluating Choices in a Virtual Community of Use</i>
D. Goldberg	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Using Collaborative Filtering to Weave an Information Tapestry</i>
Andrew R. Golding	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Improving Rule-Based Systems through Case-Based Reasoning; Improving Accuracy by Combining Rule-based and Case-based Reasoning</i>

Name / Contact Information	Connection with the Case	Subject Areas
Robert J. Hall Berkeley Heights, NJ	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,909,679; <i>INFOMOD: A Knowledge-based Moderator for Electronic Mail Help Lists</i>
Will Hill	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Recommending and Evaluating Choices in a Virtual Community of Use</i>
Chi Fai Ho 4816 Cabello Ct. Union City, CA 94587	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent Nos. 5,836,771 and 5,884,302
Robin Jeffries	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Comparing a Form-Based and a Language-Based User Interface for Instructing a Mail Program</i>
Igor Jurisica	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Inductive Learning and Case-Based Reasoning</i>
David M. Keirsey Aquora, CA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,317,677
Melody Y. Kiang	Potential Prior Art Witness	Prior art to the '947 patent, including <i>An Integrated Approach of Rule-Based and Case-Based Reasoning for Decision Support</i>
S. Kimbrough	Potential Prior Art Witness	Prior art to the '947 patent, including <i>On Automated Message Processing in electronic Commerce and Work Support Systems: Speech Act Theory and Expressive Felicity</i>
Neal J. King Oakland, CA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 6,058,435
Phil Klahr	Potential Prior Art Witness	Prior art to the '947 patent, including EZ Reader
Andrzej Kowalski	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Case-Based Reasoning and the Deep Structure Approach to Knowledge Representation</i>
Mark Kriegsman	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Building a Case-Based Help Desk application</i>

Name / Contact Information	Connection with the Case	Subject Areas
R. Krishnan	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A Rule – Rule – Case Based System for Image Analysis</i>
David B. Leake	Potential Prior Art Witness	Prior art to the '947 patent, including <i>CBR in Context: the Present and Future</i>
Daniel Lee San Gabriel, CA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,581,664; <i>Compaq Quicksource: Providing the Consumer with the Power of AI</i>
Mario Lenz	Potential Prior Art Witness	Prior art to the '947 patent, including <i>CABATA – A hybrid CBR system</i>
Lundy Lewis Mason, NH	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,666,481
Beatriz Lopez	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Case-based planning for medical diagnosis</i>
Simon Lowenfeld Export, PA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,402,524
Shigeru Maeda	Potential Prior Art Witness	Prior art to the '947 patent, including <i>HELIC-II: Legal Reasoning System on the Parallel Inference Machine</i>
P. Maes	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Agents that Reduce Work and Information Overload</i>
Michel Manago	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Induction and Reasoning from Cases; INRECA: A Seamlessly Integrated System Based on Inductive Inference and Case-Based Reasoning</i>
Farhi Marir	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Case-Based Reasoning: A Review</i>
M. Marx	Potential Prior Art Witness	Prior art to the '947 patent, including <i>CLUES: Dynamic Personalized Message Filtering</i>
Douglas A Mauman Apollo, PA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,402,524
Frank Maurer	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Induction and Reasoning from Cases</i>
D. Meyer	Potential Prior Art Witness	Prior art to the '947 patent, including <i>ICARUS: Integrating rule-based and case-based reasoning on the base of unsharp symptoms</i>

Name / Contact Information	Connection with the Case	Subject Areas
Fumihiko Mori, Yokohama, Japan	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,243,689
Trung D. Nguyen Tomball, TX	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent Nos. 5,444,823 and 5,720,001; <i>Compaq Quicksource: Providing the Consumer with the Power of AI</i>
Katsumi Nitta	Potential Prior Art Witness	Prior art to the '947 patent, including <i>HELIC-II: Legal Reasoning System on the Parallel Inference Machine</i>
Hiroshi Ohsaki	Potential Prior Art Witness	Prior art to the '947 patent, including <i>HELIC-II: Legal Reasoning System on the Parallel Inference Machine</i>
Yoshihisa Ohtake	Potential Prior Art Witness	Prior art to the '947 patent, including <i>HELIC-II: Legal Reasoning System on the Parallel Inference Machine</i>
Masayuki Ono	Potential Prior Art Witness	Prior art to the '947 patent, including <i>HELIC-II: Legal Reasoning System on the Parallel Inference Machine</i>
Enric Plaza	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Case-Based Reasoning: Foundational Issues, Methodological Variations, and System Approaches; Case-based planning for medical diagnosis</i>
Stephen Pollock	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A Rule-Based Message Filtering System</i>
James Pople	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A Pragmatic Legal Expert System</i>
Luigi Portinale	Potential Prior Art Witness	Prior art to the '947 patent, including <i>ADAPtER: An Integrated Diagnostic System Combining Case-Based and Abductive Reasoning</i>
Pradeep Raman	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A self-improving helpdesk service system using case-based reasoning techniques</i>
Kiron K. Rao	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A Rule – Rule – Case Based System for Image Analysis</i>
Darren M. Redfern Stratford, Canada	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 6,078,914

Name / Contact Information	Connection with the Case	Subject Areas
Kurt Reiser Los Angeles, CA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,317,677
Christopher K. Riesbeck	Potential Prior Art Witness	Prior art to the '947 patent, including <i>TaxOps: a Case-based Advisor</i>
Edwina L. Rissland	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Combining Case-Based and Rule-Based Reasoning: a Heuristic Approach; Argument Moves in a Rule-Guided Domain; CABARET: rule interpretation in a hybrid architecture; Case-Based Diagnostic Analysis in a Blackboard Architecture; Arguments and Cases: An Inevitable Intertwining; A Case-Based System for Trade Secrets Law</i>
Michael Robertson	Potential Prior Art Witness	Prior art to the '947 patent, including <i>MARS – Machine Automated Response System</i>
Jarrett Rosenberg	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Comparing a Form-Based and a Language-Based User Interface for Instructing a Mail Program</i>
Paul S. Rosenbloom	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Improving Rule-Based Systems through Case-Based Reasoning; Improving Accuracy by Combining Rule-based and Case-based Reasoning</i>
Mark Rosenstein	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Recommending and Evaluating Choices in a Virtual Community of Use</i>
Zachary B. Rubinstein	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Case-Based Diagnostic Analysis in a Blackboard Architecture</i>
Kiyokazu Sakane	Potential Prior Art Witness	Prior art to the '947 patent, including <i>HELIC-II: Legal Reasoning System on the Parallel Inference Machine</i>
Michael Sassin San Jose, CA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 6,058,435
Brian A. Schultz Pittsburgh, PA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,402,524

Name / Contact Information	Connection with the Case	Subject Areas
Naser Sheikhzadegan San Jose, CA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 6,058,435
Evangelos Simoudis West Newton, MA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,224,206; <i>Using Case-Based Retrieval for Customer Technical Support</i>
David B. Skalak	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Combining Case-Based and Rule-Based Reasoning: a Heuristic Approach; Argument Moves in a Rule-Guided Domain; CABARET: rule interpretation in a hybrid architecture; Case-Based Diagnostic Analysis in a Blackboard Architecture; Arguments and Cases: An Inevitable Intertwining</i>
Brian M. Slator	Potential Prior Art Witness	Prior art to the '947 patent, including <i>TaxOps: a Case-based Advisor</i>
Larry Stead	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Recommending and Evaluating Choices in a Virtual Community of Use</i>
Jerzy Surma	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Integrating Rules and Cases for the Classification Task</i>
L. Terveen	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Helping Users Program Their Personal Agents</i>
Ralph Traphoner	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Induction and Reasoning from Cases; INRECA: A Seamlessly Integrated System Based on Inductive Inference and Case-Based Reasoning</i>
Michael Man-Hak Tso, Hillsboro, OR	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 6,085,201
Toshikazu Tanaka Toda, Japan	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,899,985
Robert W. Thompson, Jr., Pittsburgh, PA	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,402,524
Peter P. Tong 1807 Limetree La., Mountain View, CA 94040	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,836,771



Name / Contact Information	Connection with the Case	Subject Areas
Pietro Torasso	Potential Prior Art Witness	Prior art to the '947 patent, including <i>ADAPtER: An Integrated Diagnostic System Combining Case-Based and Abductive Reasoning</i>
Koen Vanhoof	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Integrating Rules and Cases for the Classification Task</i>
S. Venkataraman	Potential Prior Art Witness	Prior art to the '947 patent, including <i>A Rule – Rule – Case Based System for Image Analysis</i>
George Vossos	Potential Prior Art Witness	Prior art to the '947 patent, including <i>An example of Integrating Legal Case Based Reasoning with Object-Oriented Rule-Based Systems: IKBALS II</i>
Vivian Vossos	Potential Prior Art Witness	Prior art to the '947 patent, including <i>An example of Integrating Legal Case Based Reasoning with Object-Oriented Rule-Based Systems: IKBALS II</i>
Nabuyoshi Wada Kamakura, Japan	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,402,524
Sherry H. Walden	Potential Prior Art Witness	Prior art to the '947 patent, including <i>SMART: Support Management Automated Reasoning Technology for Compaq Customer Service</i>
Ian Watson	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Case-Based Reasoning: A Review; Case-Based Reasoning Tools: an overview</i>
Stefan Wess	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Induction and Reasoning from Cases; INRECA: A Seamlessly Integrated System Based on Inductive Inference and Case-Based Reasoning</i>
Steven D. Whitehead	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Auto-FAQ: an experiment in cyberspace leveraging</i>
Chuck Williams	Potential Prior Art Witness	Prior art to the '947 patent, including ART*Enterprise and other products of Inference and Brightware

Name / Contact Information	Connection with the Case	Subject Areas
Keith E. Witek	Potential Prior Art Witness	Prior art to the '947 patent, including <i>Computerized Facsimile (fax) System and Method of Operation</i>
Hiroshi Yoshiura Yokohama, Japan	Potential Prior Art Witness	Prior art to the '947 patent, including U.S. Patent No. 5,243,689
John Zeleznikow	Potential Prior Art Witness	Prior art to the '947 patent, including <i>An example of Integrating Legal Case Based Reasoning with Object-Oriented Rule-Based Systems: IKBALS II</i>

Additionally, the following individuals are likely to have discoverable information on the subject of prior art: individuals listed in patents, publications and other references in the file history of the '947 patent, any related patents or related applications. Google incorporates by reference into its disclosures these individuals and their contact information identified in such references. Google also incorporates by reference into its disclosures contact information for persons identified on prior art patents, publications, and/or products it may produce during this litigation.

Google's investigation, research and analysis of the issues in this case are ongoing. If Google identifies additional individuals likely to have discoverable information that it may use to support its defenses and counterclaims, such as third parties in possession of information and/or devices that constitute prior art, it will supplement this disclosure pursuant to Fed. R. Civ. P.26(e).

**IV. Documents in Google's Possession, Custody, or Control that Google May Use to Support its Claims or Defenses.**

Pursuant to Fed. R. Civ. P. 26(a)(1)(B), Google hereby identifies the following documents in Google's possession, custody, or control that it may use to support its claims or defenses:

Category	Location <sup>3</sup>
Documents describing the structure and functionality of relevant aspects of Google's accused products.	Google Inc.*
Documents relating to sales, revenues and marketing of Google's accused products.	Google Inc.*
Documents and things consisting of or reflecting prior art relevant to the '947 Patent.	Google Inc.* Quinn Emanuel Urquhart & Sullivan, LLP
Copies of the '947 Patent, their file histories, and cited prior art.	Quinn Emanuel Urquhart & Sullivan, LLP

Google's investigation, research and analysis of the issues in this case are ongoing.

Google expressly reserves the right to supplement its identification of categories of documents pursuant to Fed. R. Civ. P. 26(e) as its investigation continues.

**V. Insurance and Indemnity Agreements (Discovery Order Paragraph 1(e)).**

Google is not aware at this time of any indemnity or insuring agreements under which any person or entity may be liable to satisfy part or all of any judgment entered in this action against Google, or to indemnify Google for payments made to satisfy any such judgment.

**VI. Settlement Agreements Relevant to the Subject Matter of This Action (Discovery Order Paragraph 1(f)).**

With the exception of the general understanding that Bright Response has litigated and settled previous actions regarding the '947 patent, Google is not currently aware of the specifics of any settlement agreements relevant to the subject matter of this action.

**VII. Statement of Any Party to the Litigation (Discovery Order Paragraph 1(g)).**

Google is not currently aware of any such statement.

<sup>3</sup> An asterisk (\*) indicates documents, data compilations, and tangible things whose location for the purposes of this litigation is that of the offices of Google's outside counsel, Quinn Emanuel Urquhart & Sullivan, LLP, located at 50 California Street, 22nd Floor, San Francisco, CA 94111 and which are contained in the document production made in accordance with the Discovery Order.

**VIII. Computation of Damages.**

Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii), Google hereby provides an initial computation of damages. Other than its attorneys' fees, Google has no current intention to include a claim in this action for damages caused by Bright Response. Nevertheless, Google reserves the right to assert a damages claim, if appropriate, against Bright Response at a later stage in this litigation.

DATED: June 17, 2010

Respectfully Submitted,  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served at least via e-mail on this date to counsel of record for Plaintiff Bright Response, LLC.

June 17, 2010

/s/ Andrea Pallios Roberts

Andrea Pallios Roberts