

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

NORTHEASTERN UNIVERSITY and
JARG CORP.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 2:07-CV-486 (TJW)

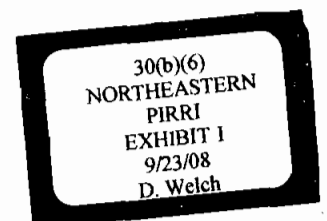
Jury Trial Demanded

**DEFENDANT GOOGLE, INC.'S AMENDED NOTICE OF DEPOSITION
TO PLAINTIFF NORTHEASTERN UNIVERSITY**

To: Northeastern University
c/o Michael A. Valek
Vinson & Elkins L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746

PLEASE TAKE NOTICE THAT, pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, Defendant Google Inc. ("Google") will take the deposition on oral examination of Plaintiff Northeastern University ("Northeastern"), by or through one or more of its officers, directors, managing agents or other persons who consent to testify on its behalf concerning the matters identified in the attached Schedule A. The deposition will take place at the offices of FISH & RICHARDSON P.C., 225 Franklin Street, Boston, MA 02110, commencing at 9:00 a.m. on **September 23, 2008**, and continuing from day to day until completed, or at such other time and place as may be mutually agreed by counsel.

The deposition will be taken before a court reporter or other person authorized to administer oaths, will be conducted in accordance with the Federal Rules of Civil Procedure, and



may be recorded by stenographic and video means. The deposition will be taken for the purposes of discovery, for use at the trial or any hearing in this matter, and for any other purpose permitted under the Federal Rules of Civil Procedure.

Prior to the deposition, Northeastern is requested to designate in writing to Google the name(s) of the person(s) who will testify on its behalf concerning the areas of testimony specified in Schedule A, and for each written designation, Northeastern is requested to specify in writing the matter(s) to which that person will testify.

You are invited to attend and exercise your rights under the Rules.

Dated: September 17, 2008

By: 

Jason W. Wolff (CA SBN 215819)

wolff@fr.com

FISH & RICHARDSON P.C.

12390 El Camino Real

San Diego, CA 92130

Telephone: (858) 678-5070

Facsimile: (858) 678-5099

Attorneys for Defendant
GOOGLE INC.

SCHEDULE A

Definitions

1. The term "Jarg" means Jarg Corporation, including without limitation all of its corporate locations, all predecessors, predecessors-in-interest, subsidiaries, parents, and affiliates, and all past or present directors, officers, agents, associates, staff members, representatives, employees, consultants, and attorneys, and all entities acting in joint venture, affiliate, business, or partnership relationships with Jarg, and others acting on behalf of Jarg.
2. The term "Northeastern" means Northeastern University, including without limitation all of its corporate locations, all predecessors, predecessors-in-interest, subsidiaries, parents, and affiliates, and all past or present directors, officers, agents, associates, staff members, representatives, employees, consultants, and attorneys, and all entities acting in joint venture, affiliate, business, or partnership relationships with Northeastern, and others acting on behalf of Northeastern.
3. The term "Google" refers to defendant Google Inc.
3. The "'593 Patent" means U.S. Patent No. 5,694,593.
4. The term "business relationship" includes, but is not limited to, the following meanings: purchase, sale, acquisition, partnership, joint venture, cooperation, joint development, and/or merger.
5. "The Present Litigation" refers to Jarg's and Northeastern's lawsuit against Google for alleged infringement of the '593 patent in the United States District Court for the Eastern District of Texas (Marshall Division), Case No. 6:04-CV-189, filed November 6, 2007.

Deposition Topics

1. The basis and foundation for Northeastern's contention in paragraphs 26 and 29 of the Complaint (Dkt. # 1-1) that Google infringes any claim of the '593 patent, whether directly or indirectly, literally or under the doctrine of equivalents.

2. Northeastern's P.R. 3-1 Infringement Contentions, the basis and foundation therefor, and any documents or things related thereto that form the basis for your allegations that each and every element of the asserted claims are infringed by Google.

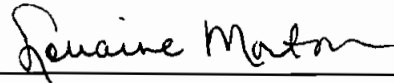
3. Any Google technology, product(s), or service(s) tested by Jarg or Northeastern for purposes of the Present Litigation, the circumstances and results of any such tests, and any documents or things related thereto.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 17, 2008, by email and US Mail as follows:

Michael A. Valek
Vinson & Elkins
2801 Via Fortuna, Suite 100
Austin, TX 78746
mvalek@velaw.com

Attorneys for Plaintiffs
NORTHEASTERN UNIVERSITY and
JARG CORPORATION



Lorraine Morton