

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

ALOFT MEDIA, LLC,

Plaintiff,

v.

GOOGLE INC.

Defendant.

CASE NO. 6:08-CV-440

**DECLARATION OF ROBERT F.
PERRY IN SUPPORT OF
GOOGLE’S MOTION TO
COMPEL COMPLIANCE WITH
PATENT RULE 3-1**

STATE OF NEW YORK)

) ss

COUNTY OF NEW YORK)

I, Robert F. Perry, declare as follows:

1. I am a partner at King & Spalding LLP, 1185 Avenue of the Americas, New York, New York, and I represent Defendant Google Inc. (“Google”) in this action. I submit this Declaration in support of *Google’s Motion to Compel Compliance with Patent Rule 3-1*.

2. During the meet and confer held on July 23, 2009 relating to deficiencies in Aloft Media LLC (“Aloft”) infringement contentions provided to Google, Aloft’s counsel stated that it was Aloft’s position that although the claims require use of computer code, it was sufficient for Aloft to utilize screenshots of the Chrome browser rather than cite to actual computer code used in an accused product. Aloft’s counsel also stated that it was appropriate to submit a single

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representative chart covering every Chrome browser and that Aloft did not intend to recite a list of specific accused browser products by version number or model number.

3. Attached as Exhibit 1 is a true and correct copy of *Plaintiff Aloft Media LLC's Patent Rule 3-1 Disclosure of Asserted Claims and Infringement Contentions and Rule 3-2 Disclosure*, served upon Google on May 22, 2009.

4. Attached as Exhibit 2 is a true and correct copy of the June 24, 2009 Letter from S. Weingaertner to D. Williams.

5. Attached as Exhibit 3 is a true and correct copy of the Google website at <http://blog.chromium.org/2009/06/google-chrome-sandboxing-and-mac-os-x.html> (as viewed on July 23, 2009).

6. Attached as Exhibit 4 is a true and correct copy of the Google website at <http://dev.chromium.org/getting-involved/dev-channel> (as viewed on July 23, 2009).

7. Attached as Exhibit 5 is a true and correct copy of the Google website at http://www.google.com/intl/en/press/pressrel/20080902_chrome.html (as viewed on July 23, 2009).

8. Attached as Exhibit 6 is a true and correct copy of the Google website at <http://dev.chromium.org/getting-involved> (as viewed on July 23, 2009).

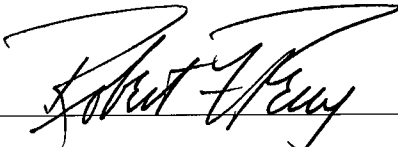
9. Attached as Exhibit 7 is a true and correct copy of the Google website at <http://code.google.com/chromium/> (as viewed on July 23, 2009).

10. Attached as Exhibit 8 is a true and correct copy of the Google website at <http://dev.chromium.org/developers> (as viewed on July 23, 2009).

11. Attached as Exhibit 9 is a true and correct copy of the Google website at <http://sites.google.com/a/chromium.org/dev/getting-involved/dev-channel/release-notes?offset=40> (as viewed on July 23, 2009).

12. Attached as Exhibit 10 is a true and correct copy of *Linex Techs. Inc. v. Belkin Int'l, Inc.*, No. 2:07-cv-222, 2008 U.S. Dist. LEXIS 70885 (E.D. Tex. Sept. 19, 2008) (Love, M.J.).

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 24, 2009.

By  _____
ROBERT F. PERRY