### **GOOGLE'S MOTION TO COMPEL COMPLIANCE WITH PATENT RULE 3-1**

# Exhibit 1

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

ALOFT MEDIA, LLC,

Plaintiff,

v.

GOOGLE, INC.

Civil Action No. 6:08-cv-440-LED

JURY TRIAL DEMANDED

Defendant.

#### PLAINTIFF ALOFT MEDIA LLC'S PATENT RULE 3-1 DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS AND RULE 3-2 DISCLOSURE

Pursuant to P.R. 3-1 and the Court's April 15 2009 Order (CPN 036), plaintiff Aloft Media, LLC (hereafter "Aloft") hereby submits its disclosure of asserted claims and infringement contentions to Google, Inc. (hereafter "Google") as set forth below:

(1) Google, directly and/or indirectly infringes U.S. Patent No. 7,194,691 ("the '691 patent") entitled "Network Browser Window with Adjacent Identifier Selector Interface for Storing Web Content.," and U.S. Patent No. 7,117,443 (the "'443 patent"), entitled "Network Browser Window with Adjacent Identifier Selector Interface for Storing Web Content." – (collectively referenced as "patents-in-suit"). Based on information presently available, Aloft provides the charts in Exhibits A and B. Such charts contain representative examples of infringement by the Accused Instrumentalities.

(2) Aloft contends that the asserted claims are directly infringed by the making, using and selling of the Accused Instrumentalities. Additionally, or in the alternative if Google is deemed not to directly infringe any asserted claim, then Aloft contends that Google indirectly infringes such claims. Without limitation, Aloft contends that Google indirectly infringe the asserted claims by actively and knowingly inducing, aiding and abetting others – including without limitation users of the Accused Instrumentalities.

(3) Based on information presently available, Aloft asserts that each limitation of each asserted claim is literally present in the accused instrumentalities. Because Aloft contends that Google literally infringes the asserted claims, Aloft has not incorporated any analysis with respect to possible infringement under the doctrine of equivalents. Aloft reserves the right to assert that Google is liable for infringement under the doctrine of equivalents.

(4) Pursuant to P.R. 3-1(e), Aloft contends that the asserted claims of the '691 patent and '443 patent are entitled to a priority date of September 24, 2001, as reflected on the face of each patent.

(5) In accordance with P.R. 3-2 (c), Aloft has produced documents bearing the identification ALOFT 000001 – ALOFT 053487.<sup>1</sup>

(6) Pursuant to Local Patent Rule 3-1(f), Aloft contends that the Google Chrome Browser marketed by Google incorporates each of the inventions described by claims 1, 17, 18 and 21 of the '691 patent; and claims 36 and 37 of the '443 patent. Discovery in this matter is at a very early stage and is ongoing. Aloft's investigation concerning the accused products and potential grounds of infringement is ongoing. This local patent rule disclosure is therefore based upon information Aloft has been able to obtain publicly, together with Aloft's current good faith beliefs regarding the accused instrumentalities, and is given without prejudice to Aloft's right to supplement or amend its disclosure as additional facts are ascertained, analyses are made, and

<sup>&</sup>lt;sup>1</sup> ALOFT 000001 – ALOFT 053487 have been previously produced in connection with *Aloft Media*, *LLC v*. *Microsoft Corporation*, *et al.*, (Case No. 6:08-CV-50 JDL).

claims are construed. Further, Aloft reserves the right to amend and further supplement these

contentions as any additional products come into existence.

DATED: May 22, 2009

Respectfully submitted,

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#### ATTORNEYS FOR PLAINTIFF ALOFT MEDIA, LLC

## **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been sent to counsel of record by E-Mail on May 22, 2009.

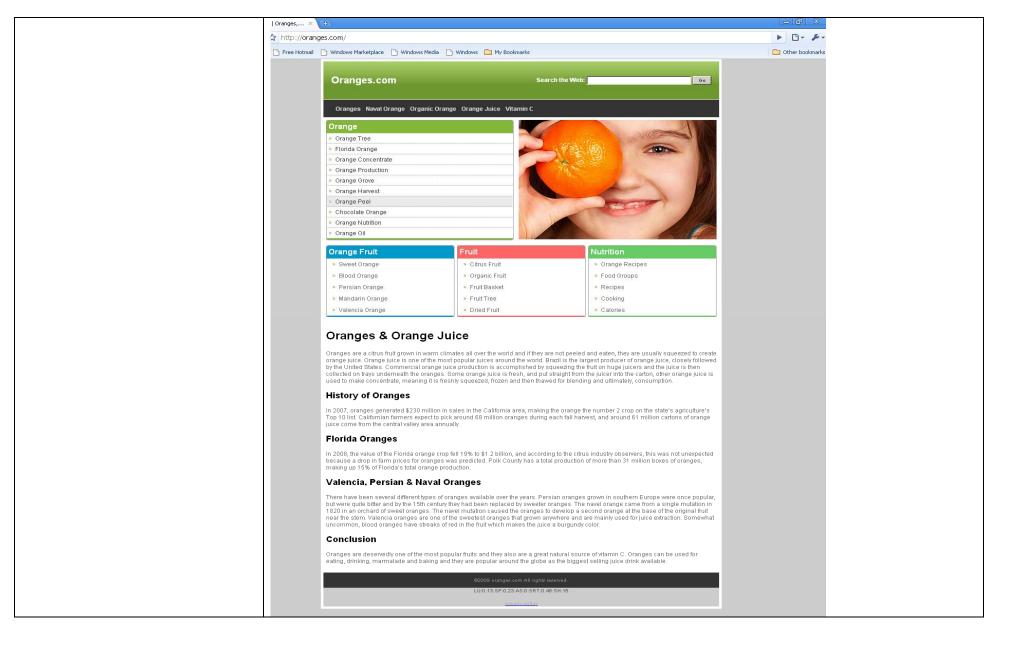
<u>/s/ Mark Dunglinson</u> Litigation Paralegal

Google Chrome			
Google Chrome includes a computer program product adapted to be embodied on a computer readable medium and includes a network browser, which provides a computer-implemented method recited in claim 1.			
Google Chrome is a browser for browsing content on a network, including the Internet Chrome displays a plurality of identifiers (e.g., item 1) adjacent to a window in which associated with URLs is displayed, using a processor coupled to a memory, e.g., a descent of the second secon	content computer.		
Oranges.com Search the Web:	Links		
Oranges Naval Orange Organic Orange Juice Vitamin C         Orange         • Orange Tree         • Florida Orange         • Orange Concentrate         • Orange Grove         • Orange Production         • Orange Grove         • Orange Predi         • Orange Predi         • Orange Predi         • Orange Nutrition	1)		
	Google Chrome includes a computer program product adapted to be embodied on a readable medium and includes a network browser, which provides a computer-imple method recited in claim 1. Google Chrome is a browser for browsing content on a network, including the Intern Chrome displays a plurality of identifiers (e.g., item 1) adjacent to a window in which associated with URLs is displayed, using a processor coupled to a memory, e.g., a co score of the type of type of the type of type of type of the type of the type of type		

# EXHIBIT A

allowing a user to pre-select one of the identifiers which is different	Google Chrome allows a user to pre-select at least one of th	Google Chrome allows a user to pre-select at least one of the identifiers.			
from the URLs; and	The pre-selection of one of the identifiers is exemplified below. A user can pre-select one of the				
	identifiers (e.g., "Oranges") by interfacing the mouse pointer	with the identifier.			
thereafter,					
	IOM   Oranges, ×				
	http://www.oranges.com/	► <b>□</b> - <i>►</i>			
	ks Bookmark <u>Remove</u> Windows Media 🗋 Windows 🧰 My Bookmarks	C Other bookmark			
	Folder:       New Folder       Image: Construction of the second				
displaying the content associated with at least one of the URLs utilizing the network browser,	Google Chrome displays the content associated with at leas as exemplified below.	t one of the URLs (e.g., oranges.com),			

#### EXHIBIT A

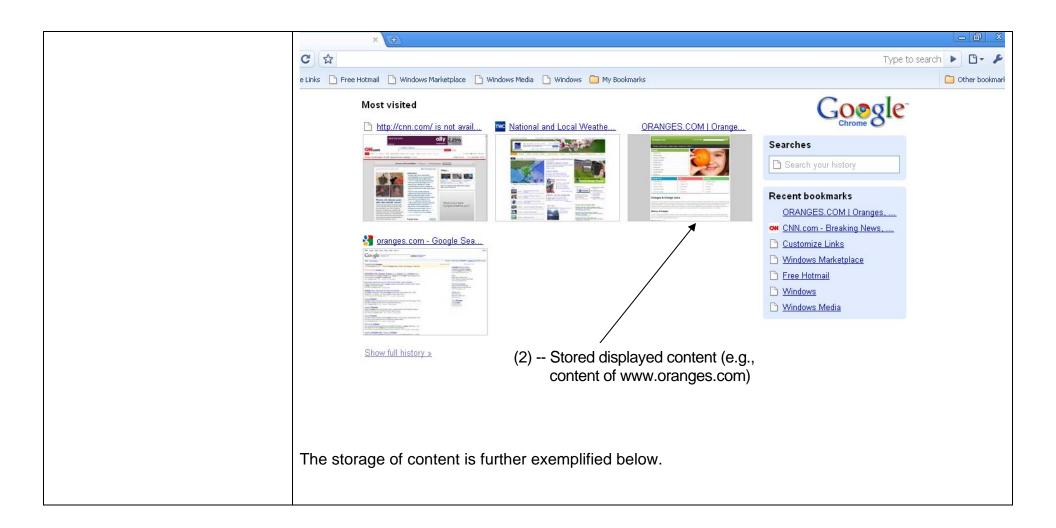


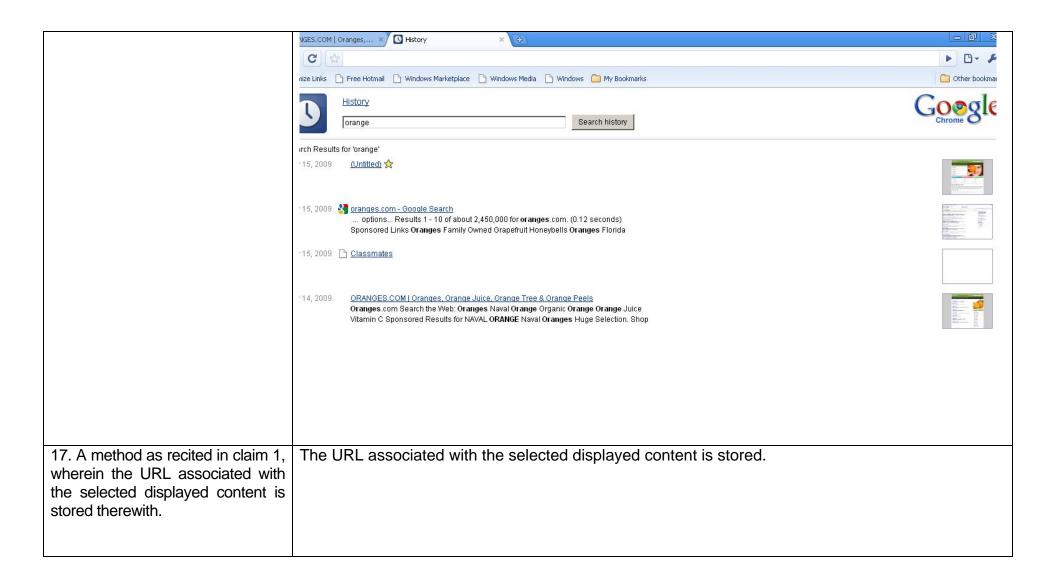
correlating selected displayed content with the preselected identifier in a manner that is based on the pre-selected identifier which is different from the URLs, and Google Chrome correlates selected displayed content with the preselected identifier.

When a user conducts orange-related research (i.e. visits other URL-content that is to be correlated with the "Oranges" identifier), the "Close" button may be selected to correlate content with the preselected identifier. The selected displayed content is correlated with the pre-selected identifier in a manner that is dependent on the pre-selected identifier (which is distinct with respect to the URLs). The user can then continue browsing and correlating orange-related content with the "Oranges" identifier, without having to post-select the "Oranges" identifier each time. That is, after the pre-selection, the same identifier (e.g., the "Oranges" identifier, etc.) is correlated with any selected displayed content thereafter, as claimed.

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	<ul> <li>Orange Tree</li> <li>Florida Orange</li> </ul>		
	Orange Tree     Florida Orange     Orange Concentrate		
	Orange Tree     Florida Orange     Orange Concentrate     Orange Production		
	Orange Tree     Florida Orange     Orange Concentrate		
	Orange Tree     Florida Orange     Orange Concentrate     Orange Production     Orange Grove		

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	Image: Control of the control of th	Search your histo
	Remove thumbnails Show full history »	ORANGES.COM   Oranges Marketplace Microsoft At Work
storing the selected displayed content.	Google Chrome stores the selected displayed content (e.g., conte (e.g., see item 2, below)	ent associated with oranges.com).

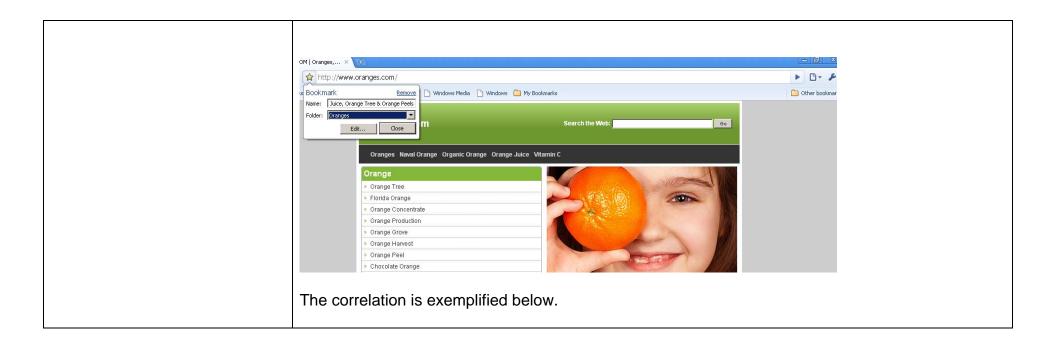


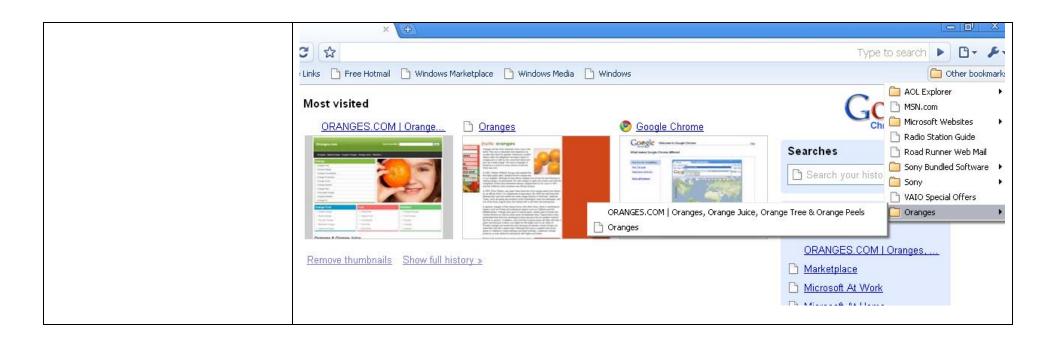


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		New folder	OK Cancel	Recently closed
18. A method as recited in claim 1, wherein any content selected during use of the network browser results in automatic correlation with the pre-selected identifier.	As demonstrated above, contended following selection of the "Clost correlation without further use	se" button. In th		

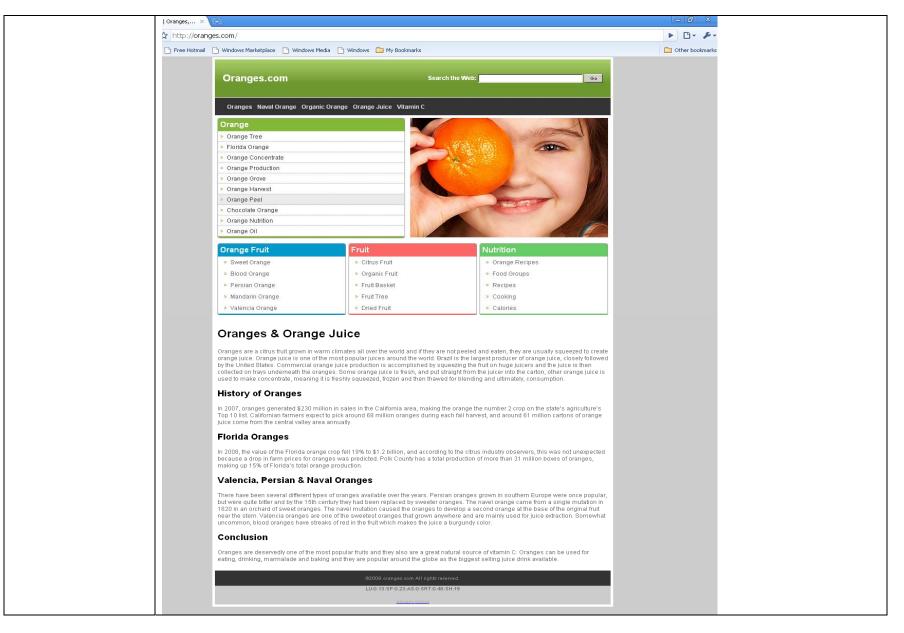
21. A computer program product embodied on a computer readable medium for use in association with a network browser, comprising:	Google Chrome is a computer program product adapted to be embodied on a computer readable medium and includes a network browser.
computer code for displaying a plurality of identifiers adjacent to a window in which content associated with uniform resource locators (URLs) is displayed, in association with a network browser for browsing content on a network including the Internet;	Google Chrome includes computer code displaying a plurality of identifiers (e.g., item 3) adjacent to a window in which content associated with URLs is displayed.
computer code for allowing a user to pre-select at least one of the identifiers; and	Google Chrome includes computer code that allows a user to pre-select at least one of the identifiers.

	The pre-selection of one of the identifiers is exemplified below. A user can pre-select of identifiers (e.g., "Oranges") by interfacing the mouse pointer upon the identifier.	one of the
	ks Bookmark Remove Name: Juice, Orange Tree & Orange Peels Folder: New Folder Oranges My Bookmarks News Links	C Other bookmark
	Bookmarks bar Other bookmarks Choose another folder       Orange Organic Orange Orange Juice Vitamin C         Utarige <ul> <li>Orange Tree</li> <li>Florida Orange</li> <li>Orange Concentrate</li> <li>Orange Production</li> <li>Orange Harvest</li> <li>Orange Peel</li> <li>Chocolate Orange</li> </ul>	
computer code for correlating selected displayed content with the pre-selected identifier in a manner that is dependent on the pre-selected identifier which is distinct with respect to the URLs.	Google Chrome correlates selected displayed content with the pre-selected identifier. When a user conducts orange-related research (i.e. visits other URL-content that is to with the "Oranges" identifier), the "Close" button may be selected to correlate content w preselected identifier. The selected displayed content is correlated with the pre-selected in a manner that is dependent on the pre-selected identifier (which is distinct with resp URLs). The user can then continue browsing and correlating orange-related content w "Oranges" identifier, without having to post-select the "Oranges" identifier each time. The the pre-selection, the same identifier (e.g., the "Oranges" identifier, etc.) is correlated v selected displayed content thereafter, as claimed.	with the ed identifier ect to the ith the That is, after

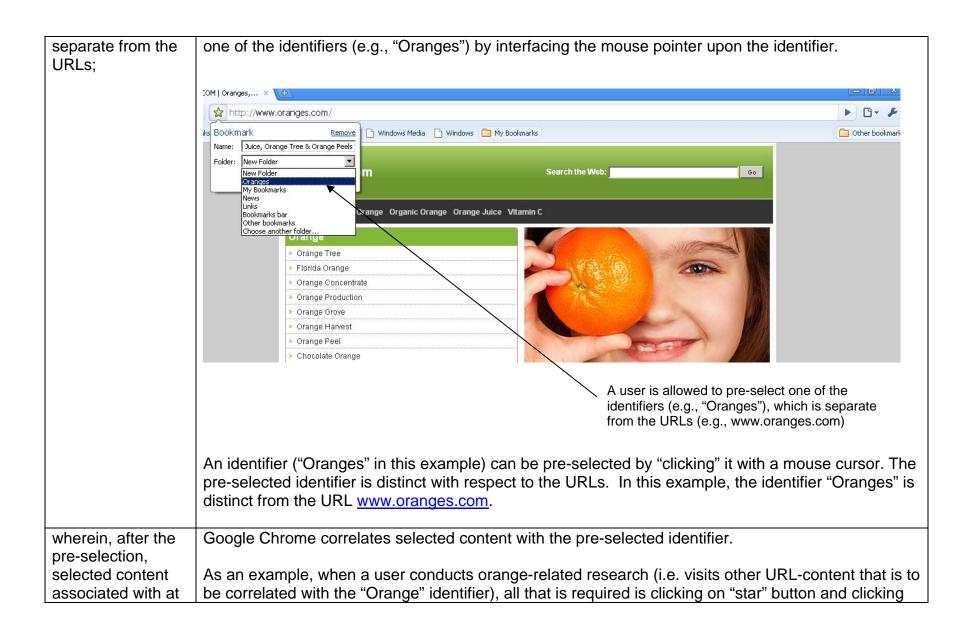




US Pat. 7,117,443	Google Chrome
36. A computer program product embodied on a computer readable medium for displaying a network browser graphical user interface for storing content in association with a network browser, comprising:	Google Chrome is a computer program product adapted to be embodied on a computer readable medium and includes a network browser that is operable to display a network browser graphical user interface. The graphical user interface provided by Google Chrome includes a capability to effect storage of browser content.
computer code for working in conjunction with a network browser window associated with a network browser for displaying Internet content associated with uniform resource locators (URLs) during network browsing; and	Google Chrome includes computer code that works in conjunction with a network browser window and displays Internet content associated with URLs (e.g., www.orange.com) during browsing. See exemplary illustration below.

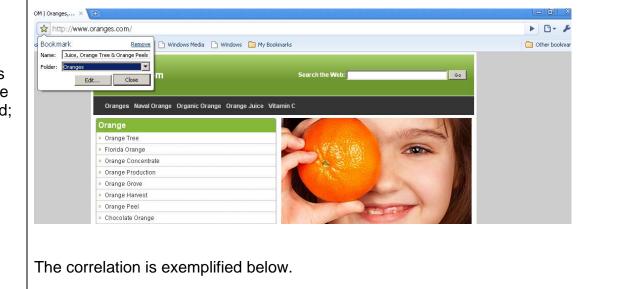


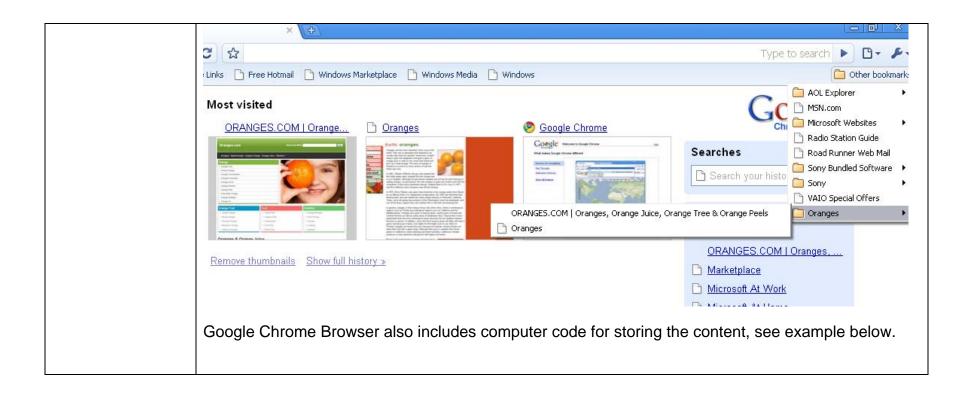
computer code for displaying a plurality of identifiers in a window separate from the window in which the content is displayed;	ES.COM   Oranges, × COM   Oranges, × COM   Oranges, × COM   Oranges,	e from the browser	code for displaying a plurality of window displaying the content.		ustration below.
	Ora	nges.com	Search the Web:	Go	Links
	Oran	ges Naval Orange Organic Orange	Orange Juice Vitamin C		
	<ul> <li>Florid</li> <li>Orany</li> <li>Orany</li> <li>Orany</li> <li>Orany</li> <li>Orany</li> <li>Orany</li> <li>Orany</li> <li>Orany</li> <li>Orany</li> <li>Choc</li> </ul>	ge Tree Ja Orange ge Concentrate ge Production ge Grove ge Harvest ge Peel colate Orange ge Nutrition	(1)		
			example are "Links," "News," a te from the Google Chrome co		
wherein a user is allowed to pre- select one of the	the browser.	oogle Chrome allows a user to pre-select one of the identifiers, which is separate from the URLs of the browser.			
identifiers which is	The pre-selection	of one of the ident	tifiers is exemplified below. For	example, a user ca	an pre-select

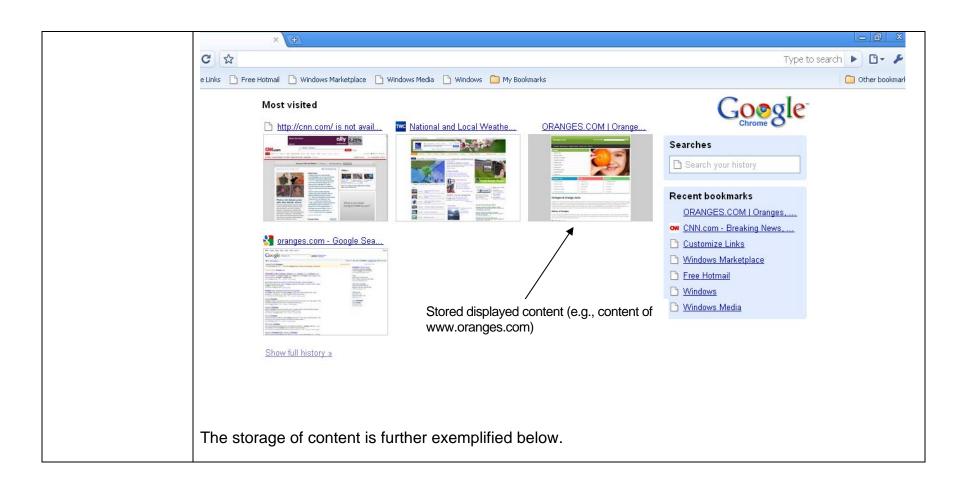


least one of the URLs displayed during use of the network browser is correlated with the claimed. pre-selected identifier in a manner that is OM | Oranges,... × dependent on a http://www.oranges.com/ selection of the Bookmark Remove pre-selected Name: Juice, Orange Tree & Orange Peels Folder: Oranges identifier which is Close Edit. separate from the URLs, and stored; Orange Tree Florida Orange Orange Concentrate Orange Production Orange Grove Orange Harvest Orange Peel Chocolate Orange

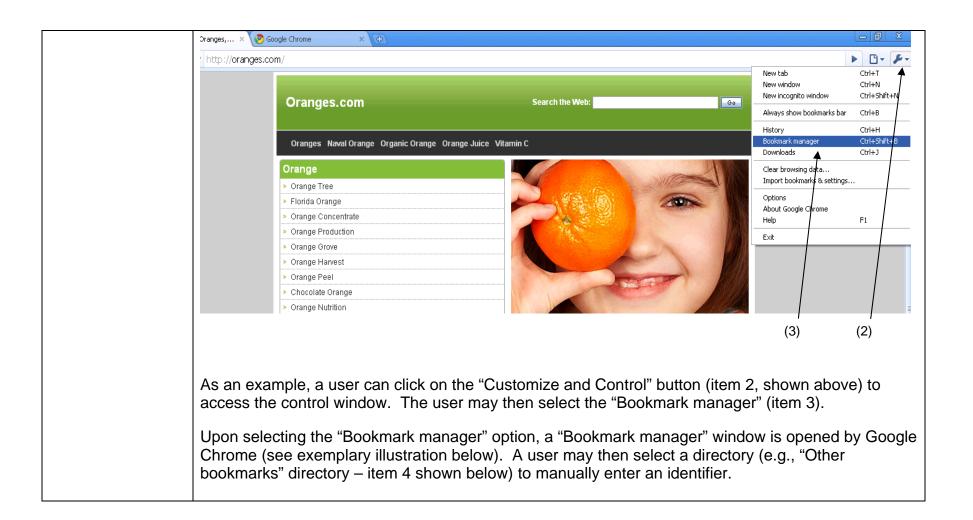
on the "Close" button. The selected content is correlated with the pre-selected identifier in a manner that is dependent on the pre-selected identifier (which is distinct with respect to the URLs). The user can continue browsing and correlating orange-related content with the "Orange" identifier, without having to post-select the "Orange" identifier each time. That is, after the pre-selection, the same identifier (e.g. the "Orange" identifier, etc.) is correlated with any selected content thereafter, as claimed.



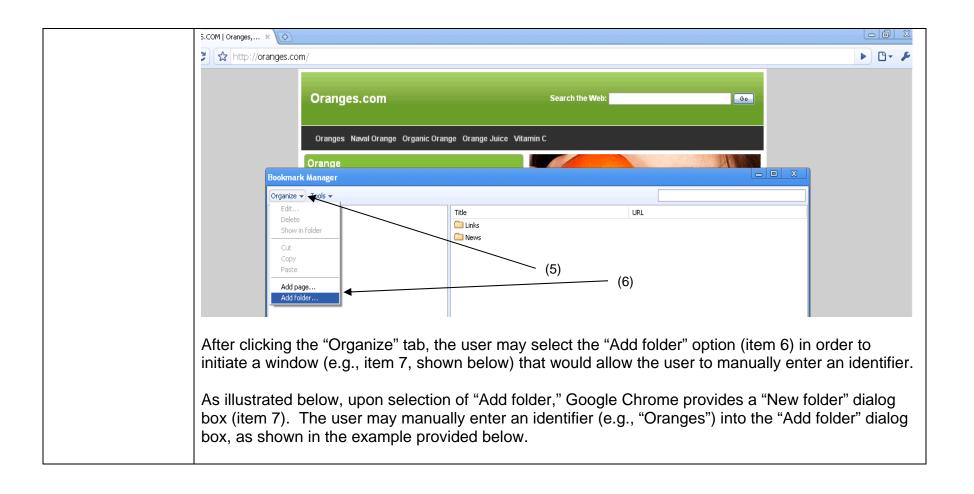




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wherein the identifiers are	Google Chrome allows a user to manually enter an iden	tifier.
capable of being manually entered by the user;	See exemplary illustration below.	

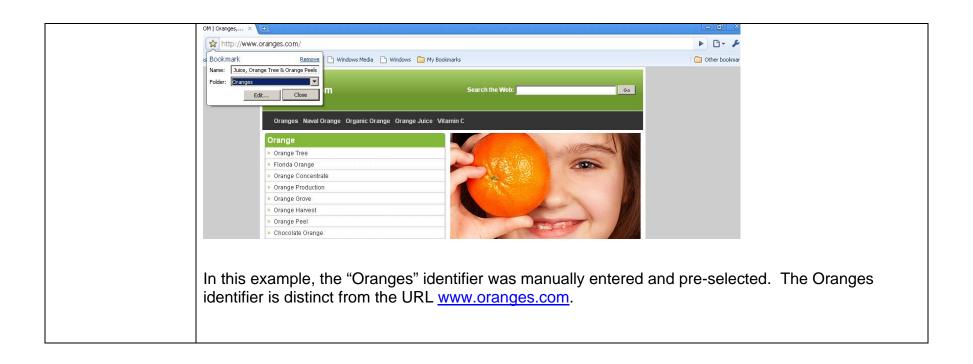


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	ark Manager window, ually enter an identifie	the user may select, f er.	or example, "Other	Bookmarks" (	(item 4) in
The user may	then click on the "Or	ganize" button (Item 5)	) (see exemplary Illu	ustration belo	w).



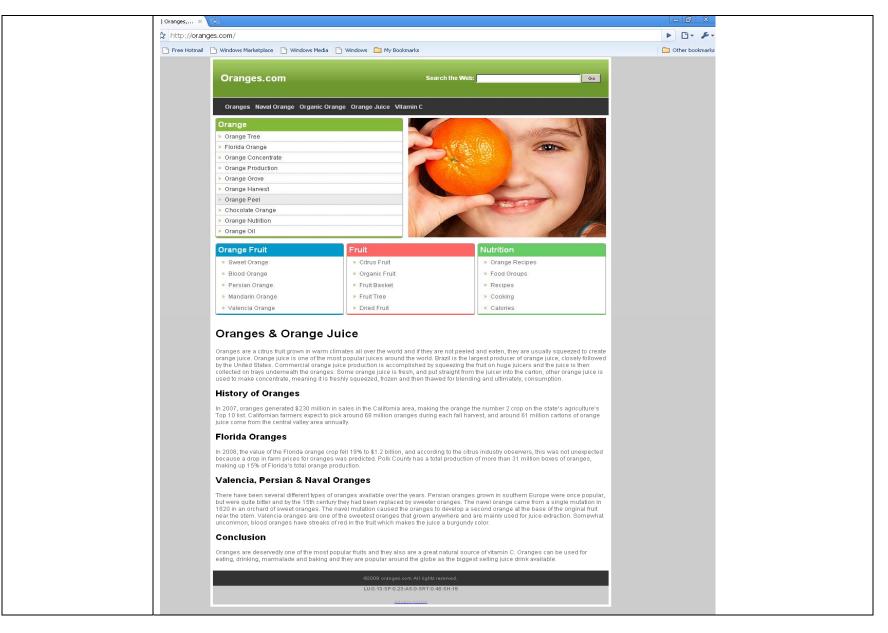
.COM   Oranges, ×	
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Orange Bookmark Manager	
<ul> <li>Bookmarks bar</li> <li>Other bookmarks</li> <li>Links</li> <li>News</li> <li>Recently Added</li> <li>Search</li> <li>New folder</li> <li>OK Cancel</li> </ul>	
Upon manually entering the identifier "Orange" into the "I creates the identifier "Orange" (item 8, shown below).	New folder" dialog box, Google Chrome

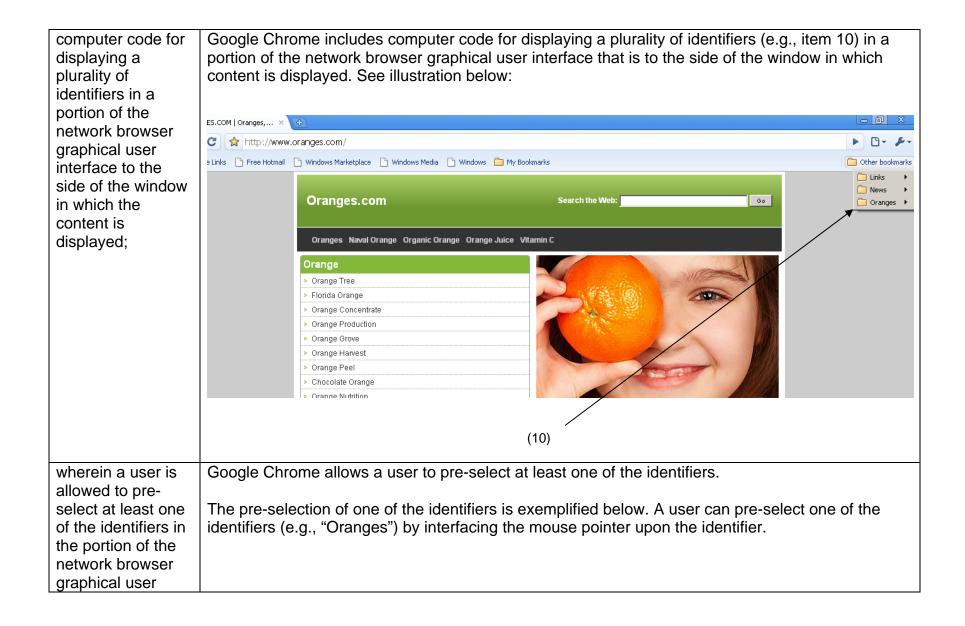
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wherein any content selected during use of the network browser results in automatic correlation of the content with the manually entered, pre-selected identifier which is separate from the URLs.					on clicking the "Close exemplary illustration	

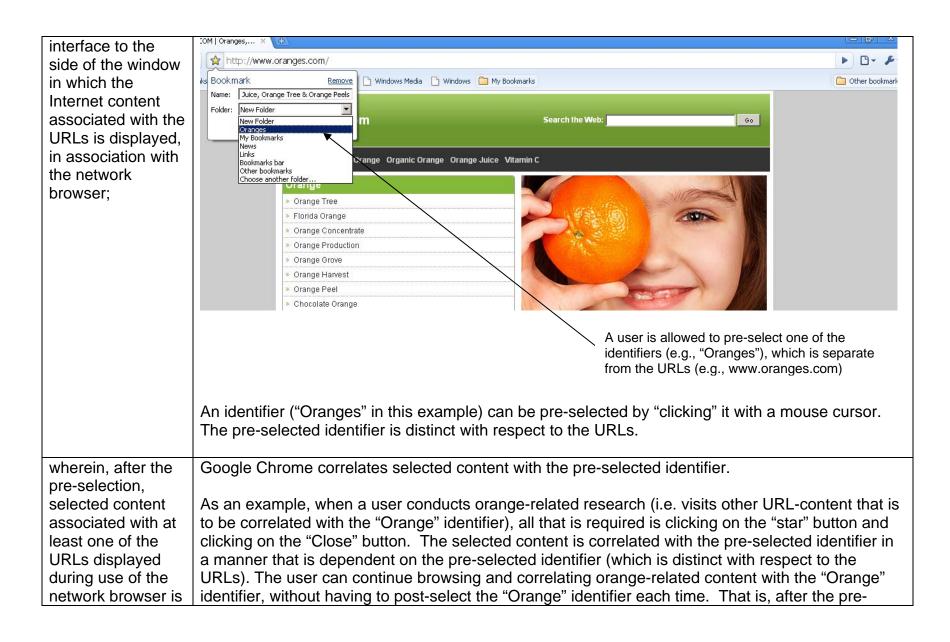


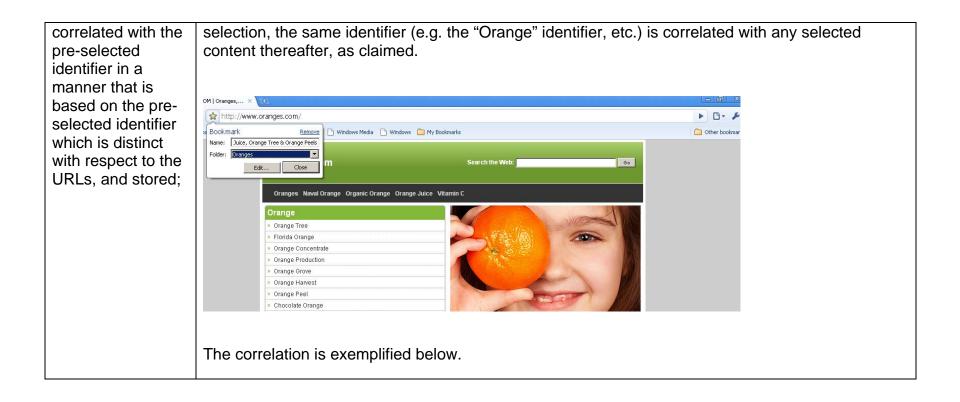
US 7,117,443	Google Chrome
37. A computer program product embodied on a computer readable medium for displaying a network browser graphical user	Google Chrome is a computer program product adapted to be embodied on a computer readable medium and display a network browser graphical interface.

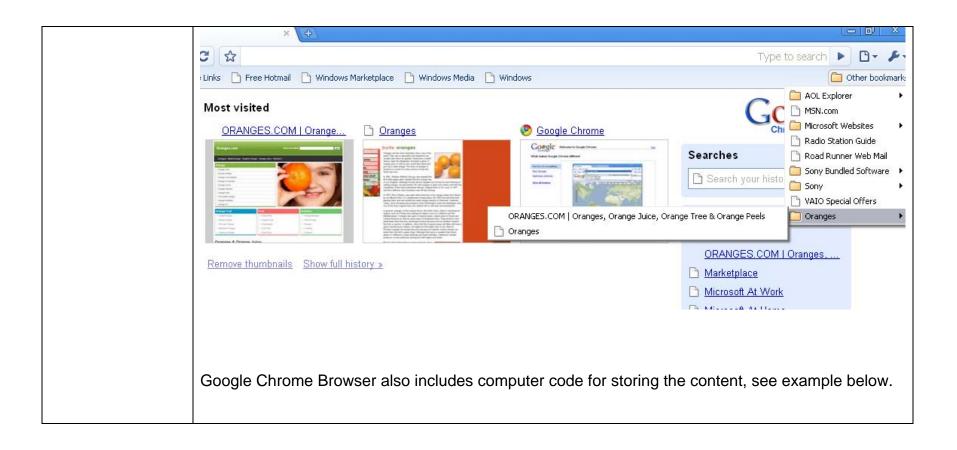
interface, comprising:	
computer code for working in conjunction with a network browser window associated with a network browser for displaying Internet content associated with uniform resource locators (URLs) during network browsing; and	Google Chrome includes computer code that works in conjunction with a network browser window and displays Internet content associated with URLs (e.g., www.orange.com) during browsing. See exemplary illustration below.

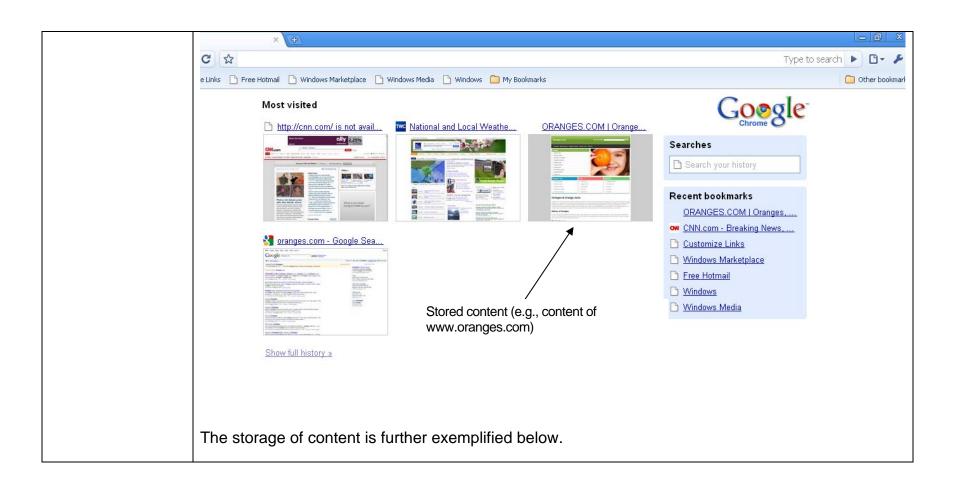












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wherein the pre- selected identifier is distinct with respect to the URLs and is capable of being manually modified	A user is allowed to manually modify the pre-selected identifier, which is distinct from the URLs (e.g., oranges.com). For example, in order to manually modify the identifier, the user utilizes a user-selectable object adapted for modifying. For example, by right clicking one of the identifiers, an interface is provided for modifying the pre-selected identifier. See below, for example.				
by the user utilizing a user- selectable object adapted for modifying.	As an example, in the "Bookmark manager" window, subsequent to right clicking the "Oranges" identifier, a user selectable object is provided for modifying the identifier (see below).				

