

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HYPERPHRASE TECHNOLOGIES, LLC and
HYPERPHRASE INC.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 06 C 0199 S

GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT

Defendant Google respectfully moves under Fed. R. Civ. P. 56 for an order granting summary judgment that:

1. Google's AutoLink technology does not infringe any asserted claim of U.S. Patent No. 5,903,889 (the "'889 patent") or U.S. Patent No. 6,516,321 (the "'321 patent").
2. Google is not liable to the plaintiffs for any alleged infringement of the '889 patent or the '321 patent arising from licensed use of Microsoft software because HyperPhrase has licensed the patents-in-suit to Microsoft.
3. Google has not willfully infringed the patents-in-suit and, therefore, HyperPhrase's claims for enhanced damages and attorney fees pursuant to 35 U.S.C. §§ 284 and 285 must be dismissed.
4. The asserted claims of the '889 patent and the '321 patent are invalid as indefinite under U.S.C. § 112, or as anticipated by, or obvious in light of, the prior art under U.S.C. §§ 102 or 103.

The grounds for this motion are that there are no genuine issues as to any material fact and the defendant is entitled to judgment as a matter of law. In addition to the accompanying

memoranda, the proposed findings of fact, conclusions of law and declarations, this motion is based upon and supported by the pleadings and papers on file in this action.

Dated: February 29, 2008

GODFREY & KAHN, S.C.

By: /s/ James D. Peterson

James A. Friedman
James D. Peterson
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Phone: (608) 257-3911
Facsimile: (608) 257-0609

Of Counsel:

Frank E. Scherkenbach
Kurt L. Glitzenstein
Christopher R. Dillon
Peter J. Kirk
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Michael J. Kane
William R. Woodford
Fish & Richardson P.C.
3300 Dain Rauscher Plaza
60 South Sixth Street
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

Jason W. Wolff
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.

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