

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSINHYPERPHRASE TECHNOLOGIES, LLC and  
HYPERPHRASE INC.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 06 C 0199 S

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**DECLARATION OF JASON W. WOLFF IN SUPPORT OF GOOGLE'S MOTIONS FOR  
SUMMARY JUDGMENT REGARDING U.S. PATENT NOS. 5,903,889 AND 6,516,321**

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I, Jason W. Wolff, am a principal of the law firm Fish & Richardson P.C., counsel for Defendant Google Inc., ("Google") in the above-captioned matter, I declare the following to be true, to the best of my knowledge, information, and belief:

1. Attached hereto as **Exhibit A** is a true and correct copy of U.S. Patent No. 5,742,768 to Gennaro et al., entitled *System and Method For Providing and Displaying A Web Page Having an Embedded Menu* (filed Jul. 16, 1996).
2. Attached hereto as **Exhibit B** is a true and correct copy of web pages from [http://cs.nyu.edu/faculty/grishman/NEtask20.book\\_3.html#HEADING4](http://cs.nyu.edu/faculty/grishman/NEtask20.book_3.html#HEADING4) illustrating the *MUC-6 Named Entity Task Definition*, (Version 2.0, 31 May 95), for the Proc. of the 6th Message Understanding Conf. (MUC-6), Columbia, Maryland, held on Nov. 6-8 1995. Posted on June 2, 1995 and printed on February 27, 2008.
3. Attached hereto as **Exhibit C** is a true and correct copy of Aberdeen, J. et. al., *MITRE: Description of the Alembic System Used for MUC-6*, Proc. of the 6th Conf. on Message Understanding, pp. 141-155, Columbia, Maryland, held on Nov. 6-8 1995.

4. Attached hereto as **Exhibit D** is a true and correct copy of U.S. Patent No. 5,530,852 to Meske et al., entitled *Method For Extracting Profiles And Topics From A First File Written In A First Markup Language And Generating Files In Different Markup Languages Containing The Profiles And Topics For Use In Accessing Data Described by The Profiles And Topics* (filed Dec. 20, 1994).

5. Attached hereto as **Exhibit E** is a true and correct copy of the definition of a page from Webster's Ninth New Collegiate Dictionary, 1989, containing the definition of the word "when."

6. Attached hereto as **Exhibit F** is a true and correct copy of the prosecution history for U.S. Patent No. 6,308,171 to de la Huerga entitled *Method And System For Automated Data Storage And Retrieval* (filed Feb. 24, 2000).

7. Attached hereto as **Exhibit G** is a true and correct copy of U.S. Patent No. 6,128,635 to Ikeno entitled *Document Display System And Electronic Dictionary* (filed May 13, 1997).

8. Attached hereto as **Exhibit H** is a true and correct copy of U.S. Patent No. 5,745,908 to Anderson et al., entitled *Method For Converting A Word Processing File Containing Markup Language Tags And Conventional Computer Code* (filed Mar. 29, 1996).

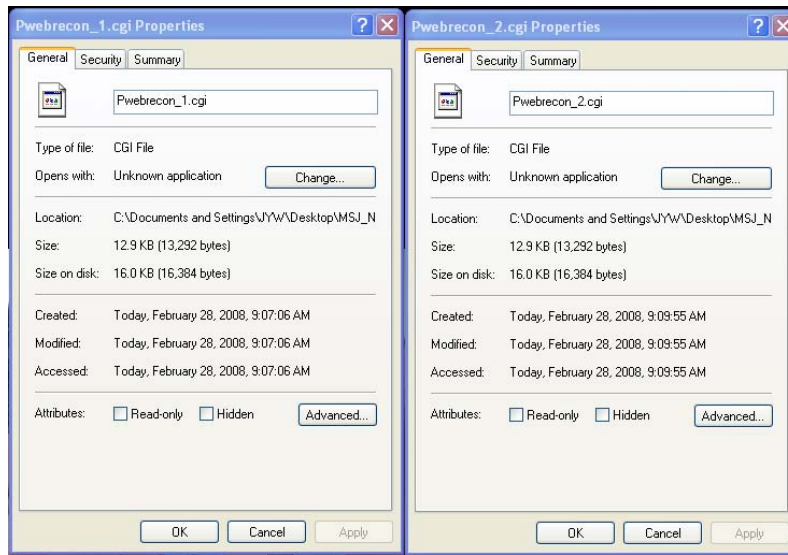
9. Attached hereto as **Exhibit I (and filed under seal)** is a true and correct copy of the Settlement, Release and License Agreement between HyperPhrase and Microsoft, dated January 14, 2004.

10. Attached hereto as **Exhibit J** is a true and correct copy of web pages from <http://www.microsoft.com> printed on February 13, 2008.

11. Attached hereto as **Exhibit K-1** is a true and correct copy of a screen shot resulting from a Web page from the Library of Congress as displayed in the Mozilla Firefox Web browser, which shows information on a book having the ISBN 0471118494. Attached hereto as **Exhibit K-2** is a printout of the Web page source code, which was created by selecting the “View, Page Source” option in the Firefox Web browser. The markup in the Web page corresponding to the ISBN number is found at the bottom left portion of the first page of Exhibit K-2. Both Exhibits K-1 and K-2 were created prior to selecting the AutoLink button.

12. Attached hereto as **Exhibit L-1** is a true and correct copy of a screen shot resulting from a Web page from the Library of Congress as displayed in the Mozilla Firefox Web browser, which shows information on a book having the ISBN 0471118494, after selecting the AutoLink button. Attached hereto as **Exhibit L-2** is a printout of the Web page source code, which was created by selecting the “View, Page Source” option in the Firefox Web browser again after selecting the AutoLink button. The markup corresponding to the ISBN number in the Web page is found at the bottom left portion of the first page of Exhibit L-2.

13. The file size of the “Page Source,” which was saved as Pwebrecon\_1.cgi (printed as Exhibit K-2) before the AutoLink button was pressed, and as Pwebrecon\_2.cgi (printed as Exhibit L-2) after the AutoLink button was pressed, is the same: both files are 13,292 bytes large, as is shown below from the screen capture after selecting the properties option in Microsoft XP for each of these two saved files.



14. Attached hereto as **Exhibit M** is a true and correct copy of U.S. Patent No. 5,377,323 to Vasudevan entitled *Apparatus And Method For A Federated Naming System Which Can Resolve A Composite Name Composed Of Names From Any Number Of Disparate Naming Systems* (filed Sep. 13, 1991).

15. Attached hereto as **Exhibit N** is a true and correct copy of the infringement charts to the February 11, 2008 Supplemental Expert Report of Paul Thompson (HyperPhrase's infringement expert).

I declare under penalty under the laws of the United States that the foregoing is true and correct. Executed on February 29, 2008 at San Diego, California.

/s/ Jason W. Wolff  
Jason W. Wolff