

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

RED BEND LTD., and RED BEND
SOFTWARE INC.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 09-cv-11813-DPW

GOOGLE INC.,

Counterclaim-Plaintiff,

v.

RED BEND LTD. and RED BEND
SOFTWARE INC.,

Counterclaim-Defendants.

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Rule 16.6(B)(4) and the stipulated schedule (Docket No. 92), the parties hereby jointly submit this Joint Claim Construction and Prehearing Statement:

A. Claim Construction Hearing

1. Timing and Witnesses

The parties anticipate that the claim construction hearing, which is scheduled for August 18, 2010 at 9:30 am, will take no more than half a court day. Each party will take no more than two (2) hours for tutorial and arguments combined. Google reserves the right, during the technology tutorial portion of Google's presentation, to have its expert Dr. Walker present the technology tutorial. Red Bend objects to Dr. Walker testifying at the claim construction hearing because, *inter alia*, the use of expert testimony is unnecessary particularly in view of this Court's familiarity with the technology and issues in this case. Red Bend does not intend to present using any witnesses but reserves the right to call Mr. Peleg, the named inventor of the patent-in-suit, during the claim construction hearing in the event that Google presents using Dr. Walker. Google reserves the right to object to the testimony of any party witness including Mr. Peleg.

2. Tutorials

The parties anticipate that each side will present technology tutorials in the form of slide presentations as an introduction to their respective claim construction arguments. The time for the tutorials shall be deducted from the time allotted to each side, and shall take no longer than forty-five (45) minutes.

3. Arguments

The parties intend to present their arguments at the claim construction hearing. Arguments for each party will last no longer than the time remaining after presentation of that party's tutorial.

B. Joint Claim Construction Chart

The parties' Joint Claim Construction Chart is attached hereto as Exhibit A.

Dated: August 3, 2010

Respectfully submitted,

By: /s/ Jennifer C. Tempesta

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 3, 2010.

By: */s/ Jennifer C. Tempesta*

Jennifer C. Tempesta