UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RED BEND LTD. and
 RED BEND SOFTWARE INC.,
            Plaintiffs,
     v.
 	
 GOOGLE INC.,
            Defendant.
 	
 GOOGLE INC.,
            Counterclaim-Plaintiff,
     v.
 	
 RED BEND LTD. and
 RED BEND SOFTWARE INC.,
 	
            Counterclaim-Defendants.
	CIVIL ACTION
	 NO. 09-cv-11813

DECLARATION OF DAVID MAGEE IN SUPPORT OF GOOGLE'S OPPOSITION TO RED BEND'S MOTION TO COMPEL GOOGLE'S PRODUCTION OF DOCUMENTS

I, David M. Magee, say and declare as follows;

1.   I am an attorney at law duly licensed to practice before all courts in the Commonwealth of Massachusetts and before this United States District Court. I am counsel of record for Defendant and Counterclaimant Google, Inc. ("Google"). I have personal knowledge of the following facts and, if called as a witness could and would be competent to testify thereto.

1.   Attached as **Exhibit A** is a true and correct list of custodians from whom Google has collected documents for review and possible production in this action.

2.   Attached as **Exhibit B** is a true and correct copy of a document dated July 15, 2009 and entitled "Smaller is Faster (and Safer Too)." This document is publically

available at http://blog.chromium.org/2009/07/smaller-is-faster-and-safer-too.html and was produced with bates numbers GOOG-00026259 through GOOG-00026265.

3.   Attached as **<u>Exhibit C</u>** is a true and correct copy of email correspondence with the subject line "Re: Making Android OTAs smaller?" dated October 4, 2009 to October 5, 2009. This document was produced with bates numbers GOOG-00039449 through 00039450.

4.   Attached as **<u>Exhibit D</u>** is a true and correct copy of an article entitles "An Algorithm for File Differential Comparison" by J.W. Hunt and D.D. McIlroy dated July 1976. This document is publically available at http://www.cs.dartmouth.edu/~doug/diff.ps.

5.   Attached as **<u>Exhibit E</u>** is a true and correct copy of the license agreement and source code for the bsdiff software program. This document is publically available at http://www.daemonology.net/bsdiff/ and was produced with bates numbers GOOG-00039808 through GOOG-00039812.

6.   Attached as **<u>Exhibit F</u>** is a true and correct copy of excerpts from the transcript of the February 17, 2010 deposition of Yoram Salinger.

7.   Attached as **<u>Exhibit G</u>** is a true and correct copy of email correspondence dated January 31, 2010 that attaches a PowerPoint presentation entitled "Red Bend FOTA & DM for Android Handsets." This document was produced with bates numbers RedBend0009056 through 0009084, and was marked as Exhibit 14 during the deposition of Yoram Salinger.

By: /s/ David M. Magee   .
     David M. Magee

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, by federal express, on August 12, 2010.

      /s/ David M. Magee
       David M. Magee, BBO # 652399

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