

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

**DECLARATION OF YORAM SALINGER
IN OPPOSITION TO GOOGLE'S
EMERGENCY MOTION FOR
MODIFICATION OF THE PRELIMINARY
INJUNCTION BRIEFING SCHEDULE**

I, Yoram Salinger, declare as follows:

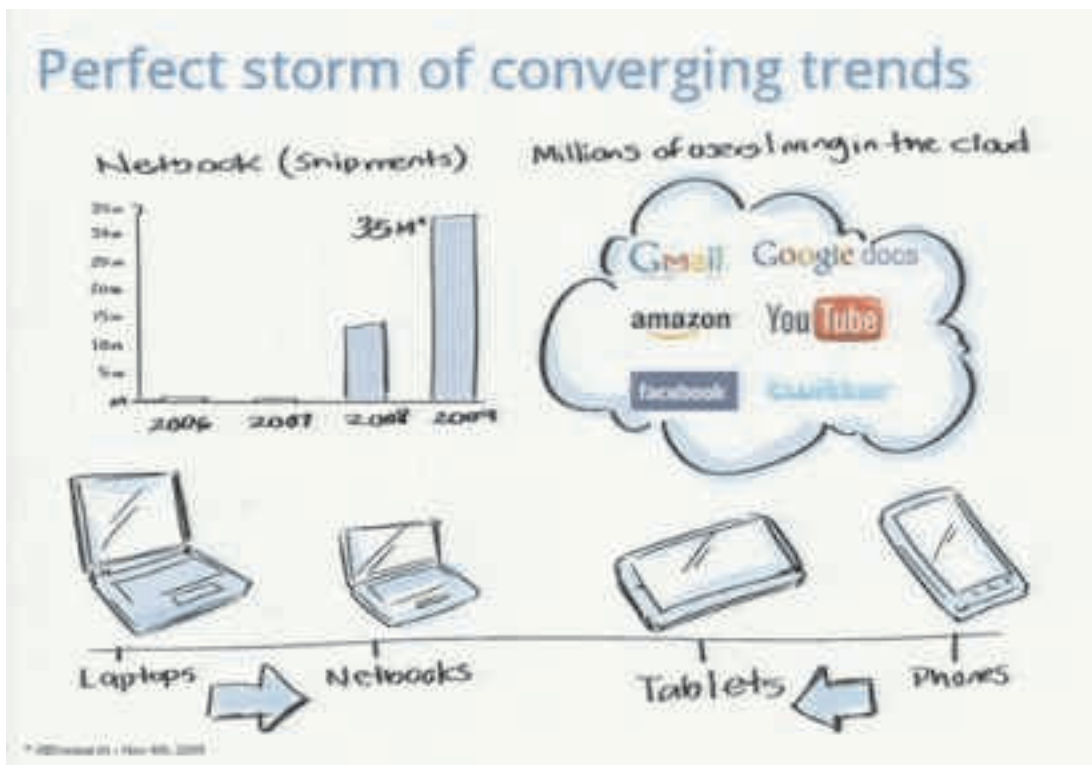
1. I make this declaration in support of Plaintiffs' opposition to Google's emergency motion for modification of the preliminary injunction briefing schedule ("Google's Motion"). Unless stated as being upon information and belief, the statements made herein are of my own personal knowledge.

2. I am the Chief Executive Officer of Red Bend Software. My duties include managerial responsibility for all of Red Bend's activities and operations. I incorporate herein the statements in my prior declaration in support of Red Bend's motion for a preliminary injunction, dated November 17, 2009.

3. In Google's Motion, Google states that Red Bend and Google "are not competitors." This is incorrect. Although Google is active in many markets where Red Bend is not, Google does actively compete with Red Bend in providing software for generating and distributing updates to software and firmware running on mobile devices, such as mobile

telephones. Upon information and belief, several of Red Bend's actual and/or potential customers have used or are considering use of Google's update software instead of Red Bend's update software to generate updates in a mobile phone environment.

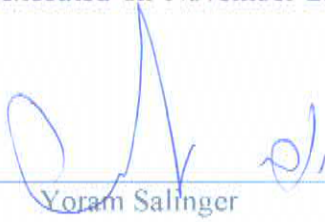
4. Moreover, to the extent that Google, in its Motion, attempts to draw a distinction between Chrome and the mobile phone market, I disagree. My experience is that any distinction is not material because the Internet connected PC market and mobile phone market have converged. Even Google agrees the markets are converging, as reflected by this screen shot taken from a recent Google presentation announcing their Chrome operating system:¹



¹ See <http://www.youtube.com/watch?v=5JyFbF7QFIY#t=7m30s>

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on November 25, 2009 at, Ramat Hasharon, Israel.

By:



Yoram Salinger