

EXHIBIT 1

Susan Baker Manning
 Direct Phone: 202.373.6172
 Direct Fax: 202.373.6472
 susan.manning@bingham.com

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VIA ELECTRONIC MAIL

Robert C. Scheinfeld, Esq.
 Eliot D. Williams, Esq.
 Baker Botts L.L.P.
 30 Rockefeller Plaza
 44th Floor
 New York, NY 10012-4498

Re: *Red Bend Ltd. v. Google Inc.*, Case No. 09-cv-11813

Dear Mr. Scheinfeld and Mr. Williams:

Plaintiffs' Motion for a Preliminary Injunction seeks extraordinary relief at the outset of the case. Google is entitled to defend itself, and to obtain the discovery from Plaintiffs necessary for it to do so. Plaintiffs' Motion is supported by just two witness declarations and an attorney declaration attaching a handful of documents. In order to respond to the issues raised by the Motion, Google will seek discovery including the production of documents and witness depositions. Appropriate document requests and deposition notices will be forthcoming. As a first order of business, however, I write to request that Red Bend produce no later than November 30, 2009 all documents supporting or tending to refute its infringement and irreparable injury contentions made in the Motion for a Preliminary Injunction.

Dr. Edwards identifies claims 8-10, 21-23, 42-44 and 55-57 as the "relevant claims" for purposes of the Motion. However, he provides a claim chart only as to claim 42. His suggestion that the same analysis can be applied without more to other claims that "differ only in a few words" seems profoundly out of step with fundamental principles of patent law. *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) ("It is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude.") (internal quotation omitted). Thus, claim 42 is the only claim for which Red Bend has even attempted to show that it is likely to succeed on the merits. Claim 42 is therefore the only claim at issue for purposes of Red Bend's Motion for a Preliminary Injunction. If Red Bend believes that claims 8-10, 21-23, 43, 44 or 55-57 are genuinely at issue in the Motion, please so advise by the close of business tomorrow and explain the basis for that position.

Sincerely yours,



Susan Baker Manning

Bingham McCutchen LLP
 2020 K Street NW
 Washington, DC
 20006-1806

+1.202.373.6000
 +1.202.373.6001
 bingham.com

Boston
 Hartford
 Hong Kong
 London
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 New York
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