## 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 JENNIFER C.
TEMPESTA IN SUPPORT OF
PLAINTIFFS' OPPOSITION
TO GOOGLE INC.'S EMERGENCY
MOTION TO COMPEL DEPOSITIONS
OR IN THE ALTERNATIVE STRIKE
DECLARATIONS OF YORAM SALINGER
AND STEPHEN EDWARDS AND/OR
PRECLUDE REPLY BRIEFING

- I, Jennifer C. Tempesta, declare as follows:
- 1. I am a member in good standing of the New York State bar and am an associate with the law firm of Baker Botts, L.L.P., counsel of record for Plaintiffs in the above captioned matter. I submit this declaration based upon personal knowledge. If called upon as a witness, I could, and would, competently testify to the truth of each statement herein.
- 2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the December 2, 2009 scheduling conference in the above captioned action.
- 3. Attached hereto as Exhibit 2 are true and correct copies of the deposition notice to Yoram Salinger and subpoena to Stephen Edwards dated January 6, 2010.

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 January 10, 2010 at New York, New York.

By: /s/ Jennifer C. Tempesta

Jennifer C. Tempesta

## **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 January 10, 2010.

By:	/s/ Jennifer C. Tempesta	
	Jennifer C. Tempesta	