

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RED BEND LTD. and
RED BEND SOFTWARE INC.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

CIVIL ACTION
NO. 09-cv-11813

GOOGLE INC.,

Counterclaim-Plaintiff,

v.

RED BEND LTD. and
RED BEND SOFTWARE INC.,

Counterclaim-Defendants.

**DECLARATION OF SUSAN BAKER MANNING IN SUPPORT OF
DEFENDANT GOOGLE INC.'S MOTION TO STRIKE RED BEND'S MOTION FOR
PRELIMINARY INJUNCTION**

I, Susan Baker Manning, declare as follows:

1. I am over 18 years of age. I am a partner of Bingham McCutchen LLP, counsel for defendant and counterclaim-plaintiff Google Inc. I have personal knowledge of the facts stated herein, except those stated on information and belief, and, if called upon, could and would testify competently to them. I make this declaration in support of Google Inc.'s Motion to Strike Red Bend's Motion for Preliminary Injunction.

2. Attached as Exhibit A is a true and correct copy of the transcript of the December 2, 2009, scheduling conference before the Honorable Douglas P. Woodlock.

3. Attached as Exhibit B is a true and correct copy of Google's First Set of Requests for Production served December 4, 2009.
4. Attached as Exhibit C is a true and correct copy of Red Bend's Responses and Objections to Google's First Set of Requests for Production served December 7, 2009.
5. Attached as Exhibit D is a true and correct copy of correspondence from Susan Baker Manning to Eliot D. Williams dated December 9, 2009.
6. Attached as Exhibit E is a true and correct copy of correspondence from Jennifer C. Tempesta to Susan Baker Manning dated December 9, 2009.
7. Attached as Exhibit F is a true and correct copy of correspondence from Susan Baker Manning to Jennifer C. Tempesta dated December 9, 2009.
8. Attached as Exhibit G is a true and correct copy of correspondence from Jennifer C. Tempesta to Susan Baker Manning dated December 10, 2009.
9. Attached as Exhibit H is a true and correct copy of correspondence from Susan Baker Manning to Eliot D. Williams dated December 22, 2009.
10. Attached as Exhibit I is a true and correct copy of correspondence from Jennifer C. Tempesta to Susan Baker Manning dated December 22, 2009.
11. Attached as Exhibit J is a true and correct copy of correspondence from Elizabeth Austern to Jennifer C. Tempesta dated January 11, 2010.
12. Attached as Exhibit K is a true and correct copy of the transcript of the January 19, 2010 Motion Hearing before the Honorable Douglas P. Woodlock.
13. Attached as Exhibit L is a true and correct copy of correspondence from Elizabeth Austern to Jennifer C. Tempesta dated January 29, 2010.

14. Attached as Exhibit M is a true and correct copy of correspondence from Jennifer C. Tempesta to Elizabeth Austern dated February 3, 2010.

15. Attached as Exhibit N is a true and correct copy of correspondence from Steven Liquori to Robert C. Bertin dated February 4, 2010.

16. Attached as Exhibit O is a true and correct copy of correspondence from Jennifer C. Tempesta to Robert C. Bertin dated February 5, 2010.

17. Attached as Exhibit P is a true and correct copy of excerpts from the transcript of Yoram Salinger's February 17, 2010 deposition.

18. Attached as Exhibit Q is a true and correct copy of correspondence from Steven Liquori to Susan Baker Manning dated March 29, 2010.

19. Attached as Exhibit R is a true and correct copy of correspondence from Susan Baker Manning to Eliot D. Williams dated May 10, 2010.

20. Attached as Exhibit S is a true and correct copy of correspondence from Eliot D. Williams to Susan Baker Manning dated May 11, 2010.

21. Attached as Exhibit T is a true and correct copy of correspondence from Susan Baker Manning to Eliot D. Williams dated May 13, 2010.

22. Attached as Exhibit U is a true and correct copy of correspondence from Eliot D. Williams to Susan Baker Manning dated May 17, 2010.

23. Attached as Exhibit V is a true and correct copy of correspondence from Susan Baker Manning to Eliot D. Williams dated May 18, 2010.

24. Attached as Exhibit W is a true and correct copy of correspondence from Eliot D. Williams to Susan Baker Manning dated May 19, 2010.

25. Attached as Exhibit X is a true and correct copy of correspondence from David M. Magee to Eliot D. Williams dated May 21, 2010.

26. Attached as Exhibit Y is a true and correct copy of correspondence from Susan Baker Manning to Eliot D. Williams dated June 10, 2010.

27. Attached as Exhibit Z is a true and correct copy of correspondence from Eliot D. Williams to Susan Baker Manning dated June 11, 2010.

28. Attached as Exhibit AA is a true and correct copy of correspondence from Susan Baker Manning to Eliot D. Williams dated June 14, 2010.

29. Attached as Exhibit BB is a true and correct copy of correspondence from Susan Baker Manning to Jennifer C. Tempesta dated June 15, 2010.

30. Attached as Exhibit CC is a true and correct copy of an excerpt of an email and attached Excel spreadsheet containing revenue data produced as Bates Range RedBend0046700-848.

31. Attached as Exhibit DD is a true and correct copy of an excerpt of an email and attached PowerPoint presentation titled "Information Package: The Leader in Mobile Software Management" produced as Bates Range RedBend0437507-556.

32. Attached as Exhibit EE is a true and correct summary of Red Bend's production of documents.

33. Attached as Exhibit FF is a true and correct summary of documents produced by Red Bend by custodian.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 17, 2010, in Washington, D.C.



Susan Baker Manning

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 June 17, 2010.

/s/ David M. Magee
david.magee@bingham.com