

**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 FOR STATUS CONFERENCE**

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 correspondence dated June 17, 2010 from Eliot D. Williams to Susan Baker Manning.

3. Attached hereto as Exhibit 2 is a true and correct unexecuted copy of correspondence dated May 28, 2010 from Steve Liquori to Hope De Los Santos, enclosing Red Bend's document production for which Mr. Peleg is the custodian (RedBend000012255-44916). The original is unavailable.

4. Attached hereto as Exhibit 3 is a true and correct copy of correspondence dated May 19, 2010 from Eliot D. Williams to Susan Baker Manning.

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 June 17, 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 June 17, 2010.

By: */s/ Jennifer C. Tempesta*

Jennifer C. Tempesta