

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<p>RED BEND LTD. and RED BEND SOFTWARE INC.,</p> <p style="text-align: center;">v.</p> <p>GOOGLE INC.,</p>	<p>Plaintiffs,</p> <p>CIVIL ACTION NO. 09-cv-11813</p> <p>Defendant.</p>
<p>GOOGLE INC.,</p> <p style="text-align: center;">v.</p> <p>RED BEND LTD. and RED BEND SOFTWARE INC.,</p>	<p>Counterclaim-Plaintiff,</p> <p>Counterclaim-Defendants.</p>

**DECLARATION OF SUSAN BAKER MANNING IN SUPPORT OF
GOOGLE INC.'S CLAIM CONSTRUCTION BRIEF**

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 Opposition to Red Bend's Motion for a Preliminary Injunction.
2. Attached as Exhibit A is a chart listing those terms the parties have identified as in need of construction. The chart also states each parties' proposed claim constructions for both disputed and stipulated claim terms.
3. Attached as Exhibit B is a true and correct copy of U.S. Patent No. 6,546,552.
4. Attached as Exhibit C is a true and correct copy of the prosecution history of U.S. Patent No. 6,546,552.

5. Attached as Exhibit D are true and correct copies of documents from the reexamination file history of U.S. Patent No. 6,546,552.

6. Attached as Exhibit E is a true and correct copy of the confidential transcript of the July 8, 2010 deposition of Sharon Peleg.

7. Attached as Exhibit F is a true and correct copy of a document entitled, "The 'Ripple Effect': A Major FOTA Challenge." This document was produced with bates Nos. GP00119870-77, and designated as confidential under the protective order in this case. It was marked as Google Exhibit 61 during the deposition of Sharon Peleg.

8. Attached as Exhibit G is a true and correct copy of Japanese Patent Publication No. JP404242829A to Okuzumi, *et al.*, as well as a document produced by Red Bend that appears on its face to be an English translation the Okuzumi reference. These documents were produced with bates numbers RC002387-94 and RedBend0005433-49.

9. Attached as Exhibit H is a true and correct copy of Japanese Patent Publication No. JP05091550A to Kenji, *et al.*, as well as a document produced by Red Bend that appears on its face to be an English translation the Kenji reference. These documents were produced with bates numbers RC002320-24 and RedBend0005426-32.

10. Attached as Exhibit I is a true and correct copy of U.S. Patent No. 5,832,520 to Miller.

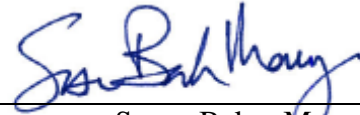
11. Attached as Exhibit J are true and correct copies of relevant pages from WEBSTER'S NEW WORLD COMPUTER DICTIONARY (10th ed. 2003).

12. Attached as Exhibit K are true and correct copies of relevant pages from MICROSOFT COMPUTER DICTIONARY (5th ed. 2002).

13. Attached as Exhibit L is a true and correct copy of U.S. Patent No. 6,216,175.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 15, 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, by federal express, on July 15, 2010.

/s/ David M. Magee

David M. Magee