

**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' OPENING CLAIM  
CONSTRUCTION BRIEF**

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 U.S. Patent No. 6,546,552.

3. Attached hereto as Exhibit 2 is a true and correct copy of select portions of the file history of U.S. Patent No. 6,546,552 produced with bates nos. RedBend20-75 and RedBend144-77.

4. Attached hereto as Exhibit 3 is a true and correct copy of select portions of the deposition transcript of Martin Walker.

5. Attached hereto as Exhibit 4 is a true and correct copy of U.S. Patent No. 5,832,520.

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 July 15, 2010 at New York, New York.

By: */s/ Jennifer C. Tempesta*

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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 July 15, 2010.

By: */s/ Jennifer C. Tempesta*

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Jennifer C. Tempesta