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AMERICA CORP., AMAZON.COM, INC. and BEST BUY CO., INC.

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Attorneys for Defendants GOOGLE INC., ACER AMERICA CORP.,

AMAZON.COM, INC., BEST BUY CO., INC. and SAMSUNG

ELECTRONICS AMERICA, INC. (erroneously sued as SAMSUNG ELECTRONICS USA, INC.)

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In the United States District Court  
District of Utah, Central Division

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ISYS TECHNOLOGIES, INC., a Nevada  
Corporation,  
Plaintiff,

v.

GOOGLE INC., a Delaware Corporation;  
SAMSUNG ELECTRONICS USA, INC., a  
Delaware Corporation; ACER AMERICA CORP.,  
a California Corporation; AMAZON.COM, INC.,  
a Delaware Corporation; and BEST BUY CO.,  
INC., a Minnesota Corporation,  
Defendants.

**Case No. 2:11-CV-507 CW**

**DECLARATION OF VINCENT  
BADOLATO IN SUPPORT OF  
DEFENDANT GOOGLE INC.'S  
OPPOSITION TO MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

**JUDGE CLARK WADDOUPS**

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I, Vincent Badolato, declare as follows:

1. I am an associate at the law firm of Cooley LLP, attorneys of record for Google Inc. ("Google") in connection with the above-titled action. I have personal knowledge of the facts set

forth in this declaration. I submit this declaration in support of Defendant Google Inc.'s Opposition to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, filed concurrently herewith.

2. On June 13, 2011, I visited the U. S. Patent & Trademark Office's ("PTO") website at <http://www.uspto.gov> and conducted a search for the application for the CHROMIUM trademark owned by Google. Attached hereto as Exhibit A are true and correct copies of relevant webpages from the PTO's Trademark Applications and Registrations Retrieval (TARR) system, which reflect the fact that the PTO approved the CHROMIUM application for registration.


3. On June 13, 2011, I also visited the website of Xi3 Corporation ("Xi3") at <http://www.xi3.org> and viewed and printed the following:

- a. Xi3's May 20, 2011 press release entitled "Xi3 Corporation Announces its ChromiumPC Modular Computer – the World's First Desktop Computer Running Google's Chrome Operating System." Attached hereto as Exhibit B is a true and correct copy of that press release;
- b. an article dated June 2, 2011, entitled "*Technology Talks: Xi3 ChromiumPC Modular Computer: World's First Desktop PC with Chrome OS,*" which Xi3 posted to its website. Attached hereto as Exhibit C is a true and correct copy of that article; and
- c. articles from various third party publications, such as *PC World*, *PCMag.com*, *Yahoo! News*, and *ZDNet*, dated between May 22 and 24, 2011, which Xi3 posted to its website. Attached hereto as Exhibit D are true and correct copies of those articles.

4. On June 13, 2011, I conducted various searches on the Internet regarding Google's CHROMIUM open source software product. Attached hereto as Exhibit E are several third party articles and webpages demonstrating widespread recognition of the association of the CHROMIUM mark with Google.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 13<sup>th</sup> day of June, 2011.

  
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Vincent Badolato

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