

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

ROSETTA STONE LTD.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CIVIL ACTION NO. 1:09cv736
(GBL / TCB)

DECLARATION OF CHERYL A. GALVIN

I, Cheryl A. Galvin, hereby declare as follows:

1. I am over the age of eighteen. I am competent to testify to, and have personal knowledge of, the matters contained herein.

2. I represent Defendant Google Inc. in this action. In that capacity, I have gained personal knowledge of the facts contained herein, each of which is true and correct.

Transcription Of Hearing On Google's Motion To Dismiss

3. Attached to this declaration as Exhibit 1 is a true and correct copy of the Court Reporter's Transcript of the Motions Hearing on Sept. 18, 2009.

Rosetta Stone Deposition Testimony

4. Attached to this declaration as Exhibit 2 are true and correct copies of relevant portions of the transcript of the deposition of Kent D. Van Liere, dated Jan. 13, 2010.

5. Attached to this declaration as Exhibit 3 is are true and correct copies of relevant portions of the transcript of the deposition of Van Leigh, dated Feb. 22, 2010.

6. Attached to this declaration as Exhibit 4 are true and correct copies of relevant portions of the transcript of the deposition of Eric M. Duehring, dated Mar. 8, 2010.

7. Attached to this declaration as Exhibit 5 are true and correct copies of relevant portions of the transcript of the deposition of Nino G. Ninov, dated Feb. 23, 2010.

8. Attached to this declaration as Exhibit 6 are true and correct copies of relevant portions of the transcript of the deposition of Eric Eichmann, dated Mar. 3, 2010.

Google's Expert Deposition Testimony

9. Attached to this declaration as Exhibit 7 are true and correct copies of relevant portions of the transcript of the deposition of Edward A. Blair, dated Mar. 3, 2010.

Rosetta Stone's Survey Reflecting Appropriate Survey Population

10. Attached to this declaration as Exhibit 8 is a true and correct copy of "Competitive Analysis," produced by Rosetta Stone in this litigation and bates labeled RS-00011979 to RS-00011995.

11. Attached to this declaration as Exhibit 9 is a true and correct copy of "Survey of Rosetta Stone Brand Health" dated Aug. 2005, produced by Rosetta Stone in this litigation and bates labeled RS-007-000022 to RS-007-000066.

I declare under the penalty of perjury under the laws of the State of California and the Commonwealth of Virginia that the foregoing is true and correct. Executed this 26th day of March, 2010, at Redwood Shores, California.



Cheryl A. Galvin