

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 HENRY LIEN IN SUPPORT OF GOOGLE'S REPLY
MEMORANDUM**

I, Henry Lien, 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.

3. I reviewed the spreadsheet attached as Exhibit C to the Declaration of Jason Calhoun In Support of Rosetta Stone Ltd.'s Motion for Partial Summary Judgment as to Liability. [REDACTED]

[REDACTED]

4. Attached to this declaration as Exhibit 1 is a true and correct copy of an excerpt from Plaintiff's Post Trial Memorandum from *Tiffany (NJ) Inc. v. eBay Inc.*, 04 Civ. 4607 (RJS), Docket No. 74, which I downloaded from PACER.

5. Attached to this declaration as Exhibit 2 are relevant excerpts of Exhibit 50 of the Declaration of Margret Caruso submitted with Google's Motion for Summary Judgment. [REDACTED]

[REDACTED]

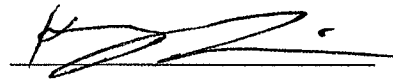
[REDACTED]

[REDACTED]

[REDACTED]

6. Attached to this declaration as Exhibit 3 is a true and correct copy of a document produced by Rosetta Stone in this litigation titled "Rosetta Stone Brand Equity," dated February 2009 and bates labeled RS-00012447 to RS-00012458.

I declare under 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 14 day of April, 2010, at Redwood Shores, California.



Henry Lien