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7 Attorneys for Plaintiffs  
INTERSERVE, INC., dba TECHCRUNCH  
8 and CRUNCHPAD, INC.

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**

13 **INTERSERVE, INC., dba TECHCRUNCH, )**  
**a Delaware corporation, and CRUNCHPAD, )**  
14 **INC., a Delaware corporation, )**  
15 Plaintiffs, )  
16 vs. )  
17 **FUSION GARAGE PTE. LTD., a Singapore )**  
**company, )**  
18 Defendant. )  
19 )  
20 )  
21 )  
22 )  
23 )  
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27 )  
28 )

**Case No. CV-09-5812 JW (PVT)**

**DECLARATION OF DAVID S. BLOCH  
IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

Date: May 3, 2010  
Time: 9:00 A.M.  
Place: Courtroom 8, 4th Floor

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5802

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1 I, David S. Bloch, declare under penalty of perjury of the laws of the United States:

2 1. I am an attorney at law duly licensed to practice before all the Courts of the State of  
3 California, and a member in good standing of the Bar of the United States District Court for the  
4 Northern District of California. I am a partner with the law firm of Winston & Strawn LLP, counsel  
5 of record in this action for Plaintiffs. I have personal knowledge of the facts set forth herein, and if  
6 called to testify could and would competently testify thereto.

7 2. On February 11, 2010, Plaintiffs served a subpoena on PayPal, requesting records  
8 concerning PayPal accounts held in the name of Chandrasekar Rathakrishnan and Fusion Garage.  
9 According to the records Plaintiffs received from PayPal, Defendant Fusion Garage PTE Ltd. has  
10 received about 90 pre-orders for the JooJoo. Approximately 15 of these pre-orders already have  
11 been charged back or refunded. Based on these records, it appears that the pre-order monies go to an  
12 account in the name of Fusion Garage’s CEO, Chandrasekar Rathakrishnan, rather than in the name  
13 of Fusion Garage, the company. Exhibit A is a true and correct copy of portions of these PayPal  
14 records summarizing the JooJoo payment account. We have redacted phone and account numbers in  
15 the interests of protecting Mr. Chandrasekar’s privacy. The records showing chargebacks are  
16 lengthy and include information sufficient to identify individual buyers, so we have not attached  
17 them to this declaration.

18 3. On February 3, 2010, Fusion Garage issued a press release stating that it would start  
19 shipping “at the end of February.” Exhibit B is a true and correct printout of this press release as it  
20 appears on www.marketwire.com.

21 Executed this 22<sup>nd</sup> day of February, 2010, in San Francisco, California.

22 David /s/ \_\_\_\_\_  
23 S. Bloch

24 **CONCURRENCE IN FILING**

25 David S. Bloch concurs in the filing of this pleading.

26 Dated: February 22, 2010 By: /s/ - Matthew A. Scherb  
27 Matthew A. Scherb

28 SF:274702.4

**EXHIBIT A**  
to  
**Declaration of David S. Bloch**



[Account](#) [Risk](#) [Products](#) [Transaction](#) [Activity](#) [Service](#) [Shipping](#) [Contact](#) [TPI](#)  
[Home](#) [Info](#) [Info](#) [Log](#) [Log](#) [Log](#) [Log](#) [Tracking](#) [Lookup](#)

### FIT Page for Rathakrishnan Chandrasekar



Print Page

#### User Info

First Name:	Chandrasekar
Last Name:	Rathakrishnan
SSN:	
TIN:	
DOB:	June 17, 1980
Credit Card Statement Name:	FUSIONGARAG
Extended Credit Card Statement Name:	FUSIONGARAG
Referrer Email:	No Daddy Linked   Not Linked   None
Email:	payments@fusiongarage.com

#### Business Info

Name:	FusionGarage
URL:	http://www.fusiongarage.com
Customer Service Phone:	

#### Account Info

Account Status:	Restricted - High
Account #:	[REDACTED]
Account Type:	Business - Singaporean Verified - Cat10A (Singapore)
Time Created:	Nov. 30, 2009 03:02:45 CST
Sanction List Status:	Not Passed - No List
Account Flags:	

#### Financials

Account Balance:	\$3.00 SGD (Primary) \$38,053.35 USD \$52,265.47 SGD *
Total Amount Sent (USD Equiv):	\$0.00 USD
Total Amount Received:	\$44,555.42 USD
Amount Received: (A month is determined by user's signup date, NOT by a calendar month)	Current Month: \$0.00 USD Last 3 Months: \$6,257.91 USD \$37,868.52 USD \$0.00 USD
Total Withdrawal Limit (Cumulative)	N/A

#### E-mail

E-mail	Primary	Confirmed	Active
payments@fusiongarage.com	✓	✓	✓

#### Phone numbers

Phone Number	Type	Confirmation Status	Status	Trust	Payment Enabled
[REDACTED]	Work	Unconfirmed - No Attempt	Active	Unknown Trust	Not Activated
[REDACTED]	Mobile	Unconfirmed - No Attempt	Active	Unknown Trust	Not Activated

**Addresses**

Status	Address	Use	Trust
Active - Business LocConf Unconfirmed	FusionGarage [REDACTED]	(CC 1003 Confirmed)	Unknown Trust
Active - Contact LocConf Unconfirmed	FusionGarage [REDACTED]	(Home)	Unknown Trust

**Restrictions**

Restriction	Attack Case ID	Time Restricted	Time Lifted
PREV - Aggregated Suspicious Activity - Sellers	PP-853-086-533	Dec. 14, 2009 03:11:34 CST	
EU receiving limit high/hard restriction	PP-855-793-085	Jan. 28, 2010 02:03:02 CST	
COMPLIANCE - EU Receiving Limit 135 Warning	PP-855-793-085	Dec. 17, 2009 02:08:10 CST	Jan. 2, 2010 23:45:32 CST
EU receiving limit 45 low/soft restriction	PP-855-793-085	Jan. 2, 2010 23:45:32 CST	Jan. 28, 2010 02:03:02 CST

**Banks**

Type	Status	Confirmed	Bank Name	Name	Routing #	Bank Acct #	Auth'd	Trust
No Banks on file								

**Credit cards**

Type	Status	Confirmed	Name	CC Number	Exp.	Currency	Issuer	Auth'd	Trust
Credit	Inactive		Chandrasekar Rathakrishnan	[REDACTED]	[REDACTED]	NA			Unknown Trust
Credit	Primary	CVV2 RdChg (Refunded)	Chandrasekar Rathakrishnan	[REDACTED]	[REDACTED]	NA			Unknown Trust

**Debit cards**

Type	DC Number	Status	Req Date	Act Date	Exp Date	ATM Limit	POS Limit
No Debit cards on file							

**PayPal Credit**

No Information available

**Auctions**

Auction User ID	Auction Manager User ID
No Auctions on file	

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**\*Mobile payments**

Phone Number	Status	Pending Payment	Notification Preferences	Date Added	Signup Method
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No Mobile payments on file

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# **EXHIBIT B**

**to**

**Declaration of David S. Bloch**



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Latest News Releases

SOURCE: Fusion Garage

Feb 03, 2010 19:30 ET

Fusion Garage Moves Into Full Production of Breakthrough JooJoo Web Tablet

Innovative Manufacturing Agreement and Investment From CSL Group Helps Reinvent Consumer Electronics Business Model

SINGAPORE--(Marketwire - February 3, 2010) - Fusion Garage today announced that its category-creating JooJoo Internet tablet has moved into full production with initial shipments expected to reach consumers at the end of February. Helping fuel the JooJoo's arrival and Fusion Garage's next phase of corporate growth is an innovative manufacturing agreement and strategic investment from mobile device OEM and distribution giant CSL Group of Malaysia.

Fusion Garage is expected to announce a second round of investment within the next two weeks which would augment today's investment from CSL and the company's initial round secured in November 2009.

CSL, established in 1998, has rapidly grown to a major conglomerate, with sales of nearly \$300M USD, and the organization is one of the largest manufacturers of cell phones, mobile devices, netbook and notebook computers in SE Asia.

The strategic relationship between the companies calls for CSL to absorb all up front manufacturing costs associated with JooJoo production. This agreement virtually eliminates the normal high cost of mass market entry -- often in the tens of millions -- for any emerging Consumer Electronics (CE) hardware developer. In exchange, CSL will receive a revenue royalty from each JooJoo sold globally. Additionally, CSL has made a strategic venture investment in Fusion Garage which will help the company to move to the next phase of its corporate growth and product development.

"This is landscape changing manufacturing agreement in the CE hardware market in much the same way Dell changed the PC business model with its direct to consumer sales approach back in the 1990s," said Fusion Garage founder and CEO, Chandrasekar (Chandra) Rathakrishnan. "CSL's confidence in JooJoo and strategic investment enables us to concentrate on the expansion of our organization, software development and, ultimately, building a world class CE company."

"We are justifiably bullish -- not only on the promise of the JooJoo and the Internet tablet market's potential but also on Fusion Garage's forward looking vision," said Dato Eric Chuah, Chairman of the CSL Group of Companies. "We have an opportunity to expand our business via this relationship, enter a hot market with a trusted partner and turn the traditional CE hardware manufacturing model on its head. We are betting on volume here and firmly believe our bet will be a winner."

About JooJoo

JooJoo, officially introduced in December 2009, is the category-creating Web tablet that provides near instantaneous Internet access and the best online experience. The African word "joujou" means magical object and Fusion Garage's JooJoo brings users into an online world where everything on the Internet is just a single touch away. Powered by Fusion Garage's innovative browser-based operating system, JooJoo enables users to quickly and easily tap into Internet applications, news, music, high definition video, social media and web services. JooJoo has revolutionary hardware, including the largest capacitive touch screen of any device on the market -- 12.1 inches -- providing full screen content viewing. Its ultra-portable, ultra-thin design offers the best Internet experience anywhere -- on the couch or on the go, standing or sitting. JooJoo's gesture-based user interface allows easy transitions between Websites and turns pages in a digital publication via the movement of a finger. A full-size touch keyboard appears when users need it, and disappears when viewing content or paging through digital content. JooJoo is available directly from Fusion Garage at www.thejoojoo.com.

About Fusion Garage

Fusion Garage enables the best Internet experience through innovative software and hardware devices. Founded in 2008, Fusion Garage's core browser-based operating system provides near instantaneous Internet access and has spurred the development of an entirely new category of consumer electronics devices dedicated to online usage. Fusion Garage is based in Singapore and is privately funded.

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