

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC.; AOL LLC; MICROSOFT  
CORP.; YAHOO! INC.; AND IAC SEARCH &  
MEDIA, INC.,

Defendants.

Civil Action No. 2-07CV-432-LED

JURY TRIAL REQUESTED

**DECLARATION OF EMILY O'BRIEN IN SUPPORT OF DEFENDANT GOOGLE INC.'S  
OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL 30(b)(6) TESTIMONY AND  
INTERROGATORY RESPONSES**

I, Emily C. O'Brien, declare and state as follows:

1. I am an associate of the law firm Quinn Emanuel Urquhart Oliver & Hedges, LLP and represent Defendant Google Inc. in this action. This declaration is made in support of Defendant Google Inc.'s Opposition to Plaintiff's Motion to Compel 30(b)(6) Testimony and Interrogatory Responses. The matters referred to in this declaration are based upon my personal knowledge, and if called as a witness I could testify competently to those matters.

2. Attached hereto as Exhibit A is a true and accurate copy of the Notice of Rule 30(b)(6) Deposition to Google, Inc. (Part 1).

3. Attached hereto as Exhibit B is a true and accurate copy of the January 6, 2009 Letter from Perlson to Cho Regarding Plaintiff's 30(b)(6) Deposition Notice.

4. Attached hereto as Exhibit C is a true and accurate copy of the January 12, 2009 E-mail from Cho to Perlson.

5. Attached hereto as Exhibit D is a true and accurate copy of the January 15, 2009 Letter from O'Brien to Cho Regarding Discovery in Performance Pricing.
6. Attached hereto as Exhibit E is a true and accurate copy of the January 22, 2009 E-mail from Cho to O'Brien and Perlson.
7. Attached hereto as Exhibit F is a true and accurate copy of the January 30, 2009 Letter from O'Brien to Dovel and Cho Regarding Discovery in Performance Pricing
8. Attached hereto as Exhibit G is a true and accurate copy of the February 17, 2009 Letter from O'Brien to Cho.
9. Attached hereto as Exhibit H is a true and accurate copy of the February 19, 2009 Letter from O'Brien to Cho Regarding Contention Discovery.
10. Attached hereto as Exhibit I is a true and accurate copy of the February 25, 2009 E-mail from Cho to O'Brien.
11. Attached hereto as Exhibit J is a true and accurate copy of the March 3, 2009 E-mail from Cho to O'Brien.
12. Attached hereto as Exhibit K is a true and accurate copy of the March 3, 2009 Letter from O'Brien to Cho Regarding Contention Discovery.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed this 1st day of April, 2009 in San Francisco, California.

  
Emily C. O'Brien