

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL LLC and GOOGLE INC.,

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

**DECLARATION OF EMILY C. O'BRIEN
IN SUPPORT OF THE REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS GOOGLE
AND AOL'S MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT OF U.S.
PATENT NO. 7,225,151**

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 Defendants Google Inc. and AOL LLC in this action. This declaration is made in support of the Reply Memorandum in Support of Defendants Google and AOL's Motion for Summary Judgment of Noninfringement of U.S. Patent No. 7,225,151. 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 1 is a true and accurate copy of excerpts from the deposition transcript of the July 23, 2008 deposition of Plaintiff under Fed. R. Civ. Pro. 30(b)(6) by deponent Brad Konia.

3. Attached hereto as Exhibit 2 is a true and accurate copy of excerpts from the deposition transcript of the July 23, 2008 deposition of Defendant Google under Fed. R. Civ. Pro. 30(b)(6) by deponent Daniel Wright.

4. Attached hereto as Exhibit 3 is a true and accurate copy of excerpts from the deposition transcript of the May 8, 2008 deposition of Clayton W. Bavor, Jr..

5. Attached hereto as Exhibit 4 is a true and accurate copy of excerpts from the deposition transcript of the August 1, 2008 deposition of Donald Ray Turnbull.

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 11th day of August, 2008 in San Francisco, California.


Emily C. O'Brien

Dated: August 11, 2008

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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