

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

I/P ENGINE, INC.

Plaintiff,

v.

AOL, INC., *et al.*,

Defendants.

Civil Action No. 2:11-cv-512

**DECLARATION OF KRISTIN ZMRHAL IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL
MEMORANDUM REGARDING MOTION TO SHOW CAUSE**

I, Kristin Zmrhal, hereby declare,

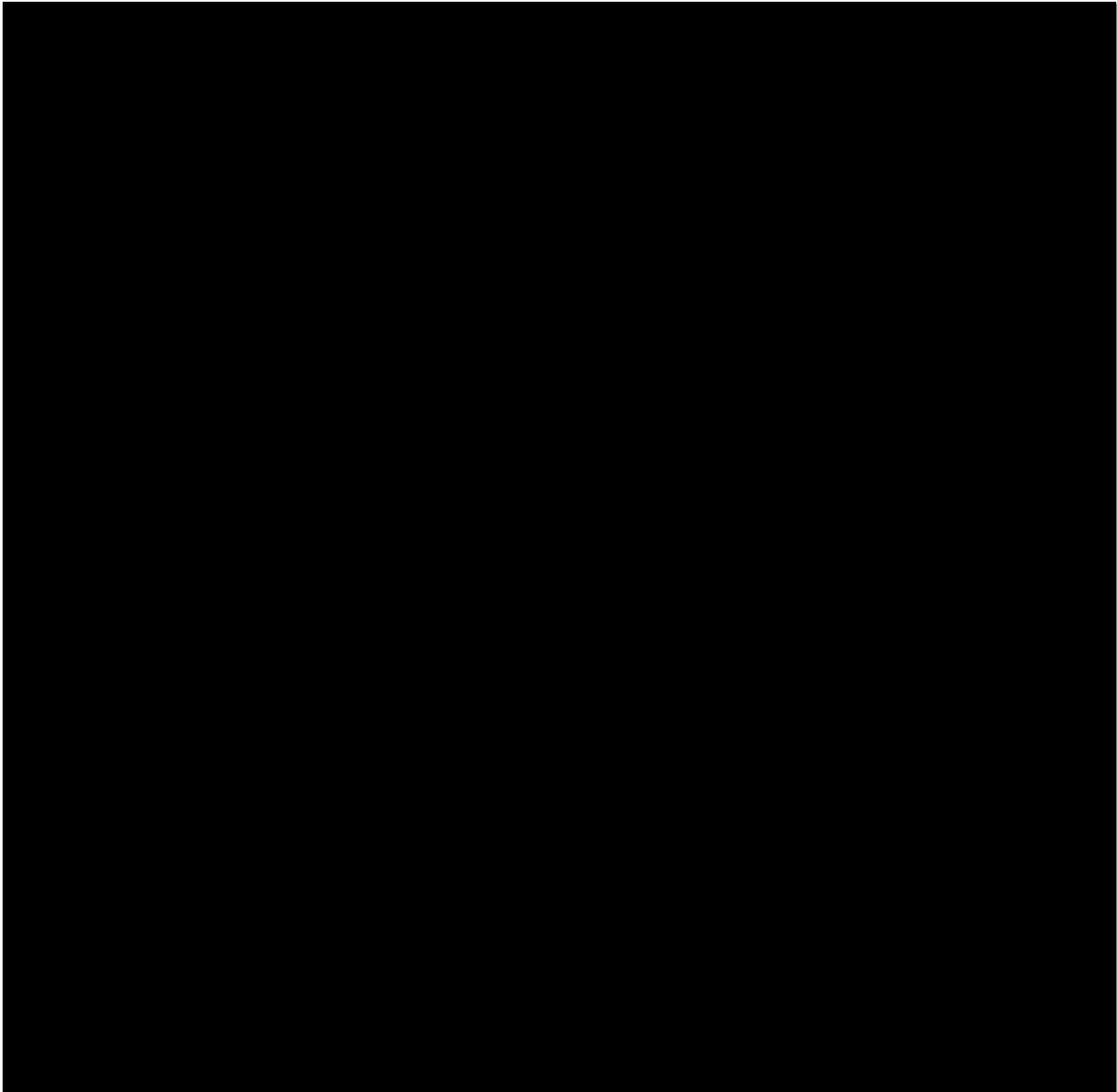
1. I have personal knowledge of the facts stated herein. If called and sworn as a witness, I could and would testify competently thereto.

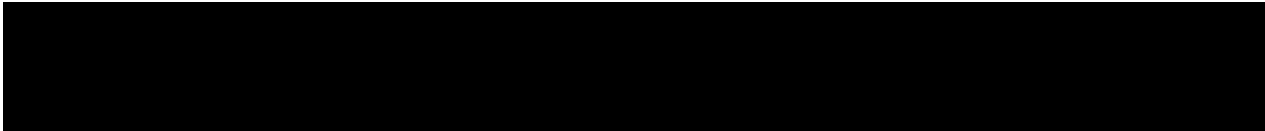
2. I am a Discovery Project Manager at Google Inc. ("Google"). I am responsible for facilitating the document collection and production of electronically-stored information in response to discovery obligations.

3. Google provides an internal corporate "chat" network for employees that allows them to communicate with colleagues via instant messages. These instant messages allow employees to determine whether colleagues are available and engage in informal communications.

4. An instant message is a real-time dialogue between two or more people.

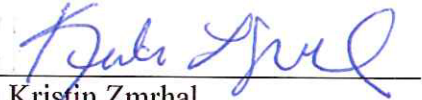
It most closely resembles a telephone or face-to-face conversation. The conversation usually appears in a small window on a user's computer screen. Employees often use instant messages for conversations that are purely procedural – *e.g.*, determining whether a co-worker is free for a call – or completely irrelevant to their work – *e.g.*, making plans to meet for lunch.





I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: October 21, 2013



Kristin Zmrhal

DATED: October 21, 2013

/s/ Stephen E. Noona

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Gannett Co., Inc.*

By: /s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2013, 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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