

**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 KRISTAN B. BURCH IN SUPPORT OF
DEFENDANTS' MOTION FOR LEAVE TO SUBMIT EVIDENCE AND OFFER
OF PROOF IN SUPPORT OF DEFENDANTS' OPENING BRIEF ON
ISSUES RAISED IN THE COURT'S AUGUST 14 ORDER**

I, Kristan B. Burch declare:

1. I am a partner with the law firm of Kaufman & Canoles, P.C. ("Kaufman & Canoles"), 150 W. Main Street, Suite 2100, Norfolk, Virginia 23510.
2. Kaufman & Canoles represents Defendants AOL Inc., Google Inc., Target Corporation, IAC Search & Media, Inc. and Gannett Co., Inc. (collectively, "Defendants") in this matter.
3. During the week of October 21, 2013, I handled several telephone calls in the above-captioned matter for my partner, Stephen E. Noona, who was out of the country.
4. During that week, I received a call from Plaintiff's local counsel, Donald Schultz. Mr. Schultz said that he wanted to check with defendants on their understanding of the language in the August 14, 2013 order entered by the Court. Mr. Schultz said that plaintiff read the August 14, 2013 order to mean that the parties were allowed to submit a fifteen page brief along with any supporting evidence.

5. I called Mr. Schultz on October 23, 2013 and confirmed to him that Defendants interpreted the August 14, 2013 order the same way that Plaintiff interpreted the order – meaning that Plaintiff and Defendants interpreted the August 14, 2013 order to mean that the parties were allowed to submit a fifteen page brief along with any supporting evidence.

6. Mr. Schultz said that he wanted to call Judge Jackson’s law clerk to confirm the parties’ understanding of the August 14, 2013 order.

7. Mr. Schultz and I jointly called Judge Jackson’s chambers on October 23, 2013, and Mr. Schultz explained the issue to one of Judge Jackson’s law clerks.

8. Judge Jackson’s law clerk said she would check on the issue and get back to Mr. Schultz.

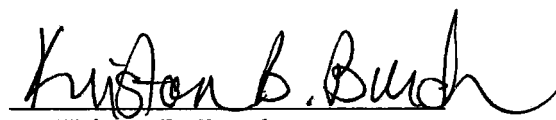
9. Later that same afternoon, I received an email from Mr. Schultz which stated as follows:

Kristen—

Judge Jackson’s law clerk just called me back. She said that the judge says the 15-page limit for the filings due October 30 applies to both the brief and the evidence. A total of 15 pages. Please call me to discuss.

--Don

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day October, at Norfolk, Virginia.


Kristan B. Burch

DATED: October 30, 2013

/s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 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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