

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

_____)	
I/P ENGINE, INC.,)	
)	
	Plaintiff,)	
v.)	Civ. Action No. 2:11-cv-512
)	
AOL, INC. et al.,)	
)	
	Defendants.)	
_____)	

**DECLARATION OF CHARLES J. MONTERIO, JR. IN SUPPORT OF
I/P ENGINE’S SUPPLEMENTAL MEMORANDUM OF ADDITIONAL FACTS**

I, Charles J. Monterio, Jr., declare as follows:

1. I am an attorney with the law firm of Dickstein Shapiro LLP, 1825 Eye Street N.W., Washington, DC 20006 and am counsel for Plaintiff I/P Engine, Inc. (“I/P Engine”) in the above-captioned case.

2. On Friday, September 20, 2013, I/P Engine deposed Mr. Bartholomew Furrow about the changes Google made to its AdWords system.

3. Based on Mr. Furrow’s testimony, on Monday, September 23, 2013, I/P Engine requested that Google produce:

- The textual descriptions in change lists associated with change list numbers for all produced source code files (accessible by at least the [REDACTED]); and
- The [REDACTED] entry for [REDACTED].

4. During Mr. Furrow’s deposition, he confirmed that these documents existed and are relevant to the changes in the AdWords system.

5. In response to I/P Engine's request, Google produced the textual descriptions in changes lists the morning of Wednesday, September 25, 2013.

6. Before then, I/P Engine was left to sort through Google's produced source code without the aid of these descriptions.

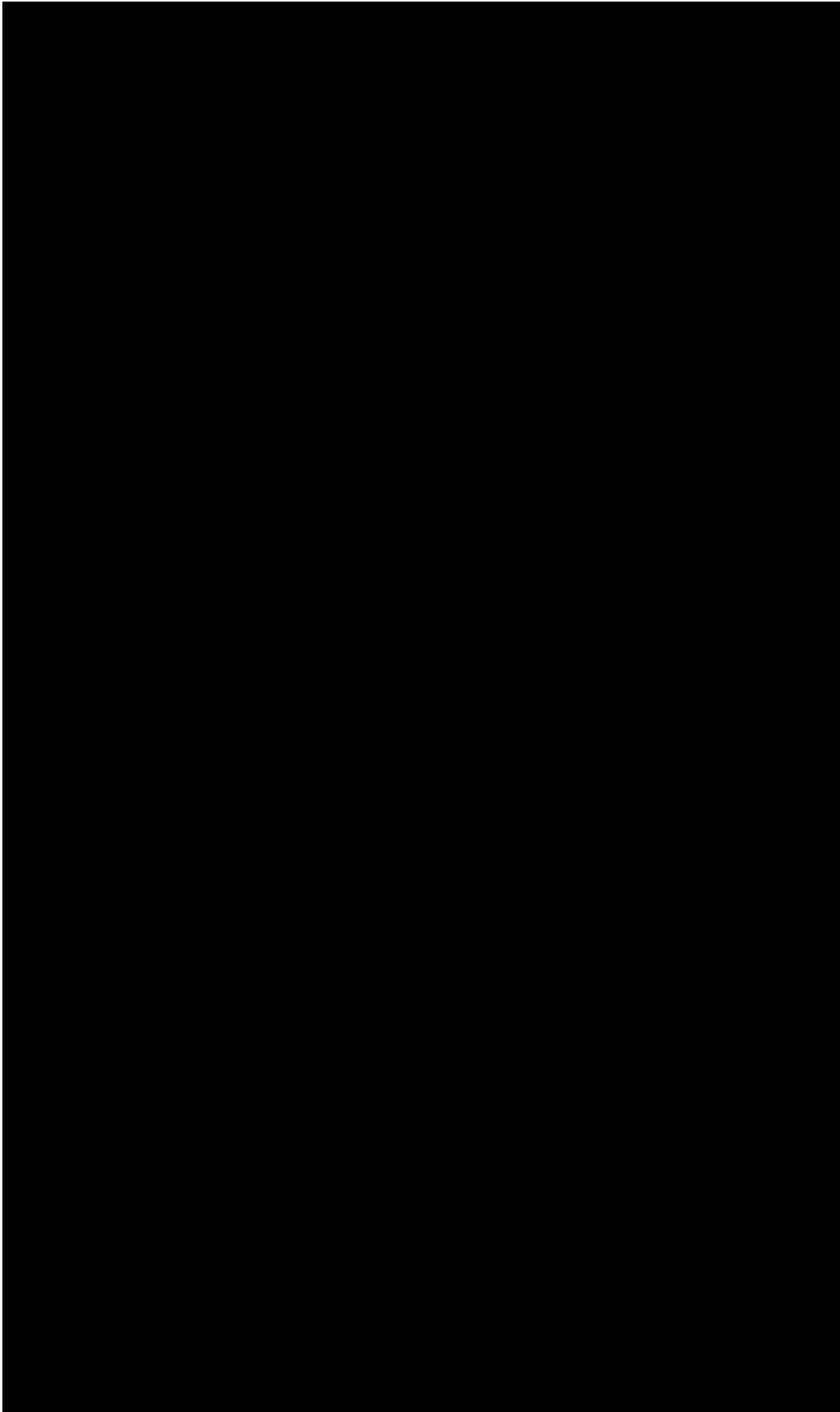
7. Google also produced on the morning of September 25, 2013 the [REDACTED] entries for both [REDACTED]

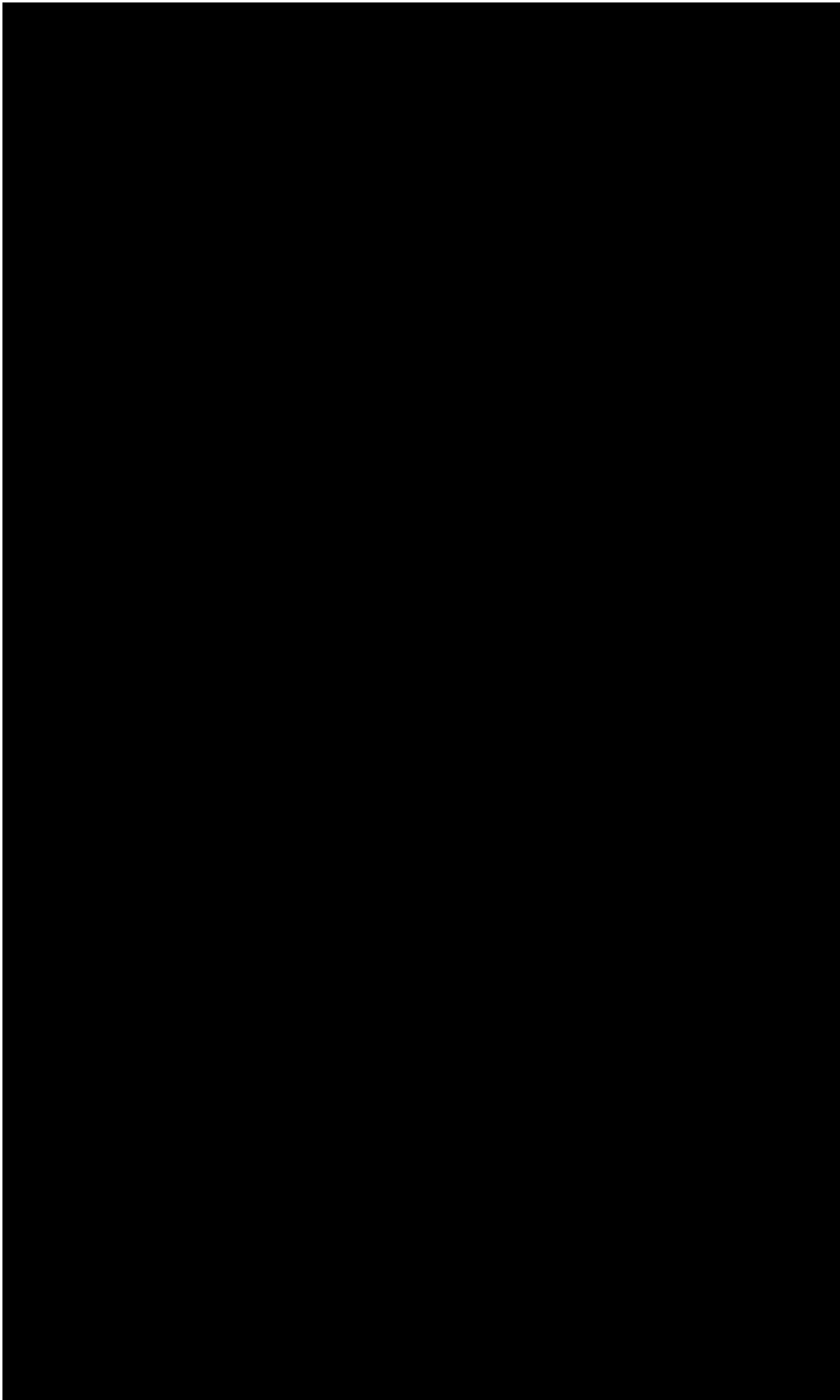
8. The [REDACTED] documents would have similarly aided I/P Engine's analysis of Google's source code.

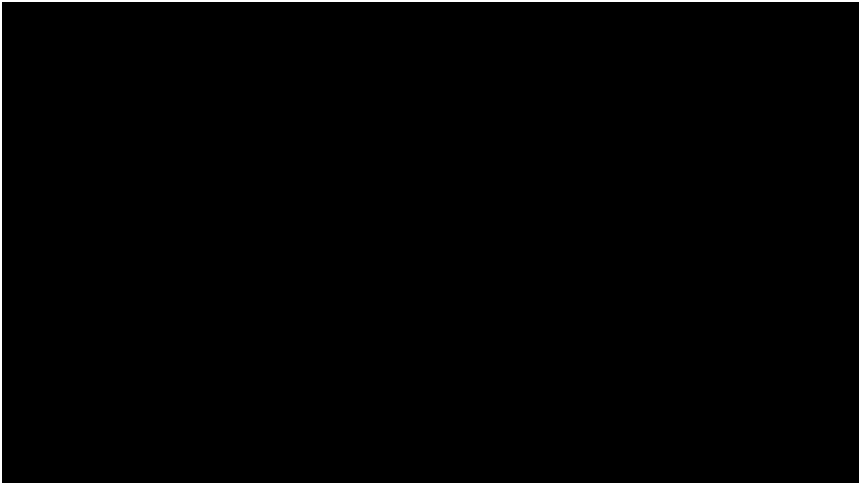
9. I/P Engine's deadline to serve its expert reports was that same day, September 25, 2013. Even having received relevant documents that same day, I/P Engine timely served its expert reports on September 25, 2013.

10. I have read the transcript of the deposition of Bartholomew Furrow dated September 20, 2013. I understand that the transcript is true and correct. The following are quotations from that transcript:

[REDACTED]







11. I have also reviewed Google's website, and more specifically these two sites: <https://support.google.com/a/answer/34169?hl=en> and <https://support.google.com/talk/answer/29291?hl=en>. Based my review of Google's website, electronic conversations that occur through Google Talk or Google Hangouts can be logged and retained.

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

Dated: October 31, 2013

By: /s/ Charles J. Monterio, Jr.
Charles J. Monterio Jr.
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