

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 EMILY C. O'BRIEN IN SUPPORT OF DEFENDANTS GOOGLE INC.'S AND IAC SEARCH & MEDIA, INC.'S MOTION TO COMPEL PLAINTIFF TO SUPPLEMENT ITS INFRINGEMENT CONTENTIONS**

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

1. I am an attorney in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP and am counsel for Defendants IAC Search and Media, Inc. and Google Inc. in the above-captioned case.

I provide this declaration upon personal knowledge and, if called upon as a witness, would testify competently as to the matters recited herein.

2. Attached hereto as Exhibit A is a true and correct copy of the parties' stipulation of November 4, 2011.

3. Even though they had no obligation to do so, Defendants agreed to produce technical documents early in the case in exchange for receiving fulsome infringement contentions from the Plaintiff.

4. Attached hereto as Exhibit B is a true and correct copy of Plaintiff's Infringement Contentions for Google Search served on November 7, 2011.
5. Attached hereto as Exhibit C is a true and correct copy of Plaintiff's Infringement Contentions for Google AdWords and AdSense for Search served on November 7, 2011.
6. Attached hereto as Exhibit D is a true and correct copy of Plaintiff's Infringement Contentions for IAC Search's Ask Sponsored Listings ("ASL"), served on November 11, 2011.
7. Attached hereto as Exhibit E is a true and correct copy of Plaintiff's Infringement Contentions for IAC Search's use of AdSense for Search, served on November 11, 2011.
8. Attached hereto as Exhibit F is a true and correct copy of Plaintiff's Infringement Contentions for Gannett's use of AdSense for Search, served on November 11, 2011.
9. Attached hereto as Exhibit G is a true and correct copy of Plaintiff's Infringement Contentions for Target's use of AdSense for Search, served on November 11, 2011.
10. Attached hereto as Exhibit H is a true and correct copy of Plaintiff's Infringement Contentions for AOL's use of AdSense for Search, served on November 11, 2011.
11. Attached hereto as Exhibit I is a true and correct copy of Plaintiff's Infringement Contentions for AOL's Advertising.com Sponsored Listings, served on November 11, 2011.
12. Attached hereto as Exhibit J is a true and correct copy of Plaintiff's Response to Google's First Set of Interrogatories, served on December 7, 2011.
13. Attached hereto as Exhibit K is a true and correct copy of a letter from David Perlson dated February 13, 2012.
14. On December 12, 2011, IAC Search produced 582 pages of documents related to Ask Sponsored Listings ("ASL") and IAC Search's use of Google AdSense for Search. On January 17, 2012 and January 18, 2012, IAC Search produced 19,863 pages of documents related ASL.

15. Google's and IAC Search's productions of documents in December 2011 and January 2012 included technical specifications, design requirements and other technical documentation.

16. Attached hereto as Exhibit L is a true and correct copy of a letter from David Perlson dated January 23, 2012.

17. After correspondence and meet and confer, Plaintiff agreed to supplement its infringement contentions by February 17, 2012.

18. Attached hereto as Exhibit M is a true and correct copy of Plaintiff's Supplemental Infringement Contentions regarding Google AdWords and AdSense for Search, served February 17, 2012.

19. Attached hereto as Exhibit N is a true and correct copy of a letter from David Perlson dated February 27, 2012.

20. Attached hereto as Exhibit O is a true and correct copy of a letter from Charles Monterio to David Perlson dated February 29, 2012.

21. Attached hereto as Exhibit P is a true and correct copy of a letter from Margaret Kammerud dated March 2, 2012.

22. Attached hereto as Exhibit Q is a true and correct copy of a letter from Charles Monterio dated March 5, 2012.

23. Attached hereto as Exhibit R is a true and correct copy of a letter from Margaret Kammerud dated March 7, 2012.

24. Attached hereto as Exhibit S is a true and correct copy of a letter from Charles Monterio dated March 9, 2012.

25. On March 13, 2012, I met and conferred with Ken Brothers and Charles Monterio regarding the parties' proposed draft stipulation regarding discovery and the parties' draft ESI

Agreement. At no time during that call did Mr. Brothers or Mr. Monterio state that Plaintiff would be amending its infringement contentions to resolve the issues raised by Defendants regarding the November 2011 and February 2011 contentions.

26. Attached hereto as Exhibit T is a true and correct copy of a letter from myself to Charles Monterio dated March 13, 2012.


27. Attached hereto as Exhibit U is a true and correct copy of a letter from Charles Monterio dated March 14, 2012.

28. Attached hereto as Exhibit V is a true and correct copy of an email chain between myself and Charles Monterio, between March 14, 2012 and March 15, 2012.

29. Attached hereto as Exhibit W is a true and correct copy of U.S. Patent No. 6,314,420.

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

Dated: March 27, 2012

  
Emily C. O'Brien

DATED: March 27, 2012

/s/ Stephen E. Noona

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 27, 2012, 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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