

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 JOSHUA SOHN IN SUPPORT OF DEFENDANTS' OPPOSITION
TO PLAINTIFF'S MOTION TO COMPEL COMPLIANCE WITH THE COURT'S
SCHEDULING ORDER**

I, Joshua Sohn, 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 & Media, Inc., Gannett Co., Inc., Target Corporation, 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 1 is a true and correct copy of Plaintiff I/P Engine, Inc.'s Proposed Claim Terms for Construction served on March 14, 2012.
3. Attached hereto as Exhibit 2 is a true and correct copy of the Defendants' Proposed Terms and Claim Elements for Construction served on March 14, 2012.

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Charles Monterio dated March 15, 2012.
5. Attached hereto as Exhibit 4 is a true and correct copy of a letter from Emily O'Brien dated March 16, 2012.
6. Attached hereto as Exhibit 5 is a true and correct copy of an email chain containing emails from David Perlson, Kenneth Brothers, Stephen Noona, Charles Monterio, and Joshua Sohn, dated March 19, 2012 through March 27, 2012.
7. Attached hereto as Exhibit 6 is a true and correct copy of Defendants' Preliminary Proposed Claim Terms and Proposed Constructions served March 21, 2012.
8. Attached hereto as Exhibit 7 is a true and correct copy of Plaintiff I/P Engine, Inc.'s Preliminary Proposed Claim Terms and Proposed Constructions served March 21, 2012.
9. Attached hereto as Exhibit 8 is a true and correct copy of a letter from Charles Monterio dated March 29, 2012.
10. Attached hereto as Exhibit 9 is a true and correct copy of an email from Joshua Sohn dated March 30, 2012.
11. Attached hereto as Exhibit 10 is a true and correct copy of a letter from Joshua Sohn dated April 3, 2012.
12. Attached hereto as Exhibit 11 is a true and correct copy of a letter from Joshua Sohn dated April 5, 2012.
13. Attached hereto as Exhibit 12 is a true and correct copy of a letter from Charles Monterio dated April 5, 2012.
14. Attached hereto as Exhibit 13 is a true and correct copy of an email from Joshua Sohn dated April 8, 2012.

15. Attached hereto as Exhibit 14 is a true and correct copy of an email from David Perlson dated April 9, 2012.
16. Attached hereto as Exhibit 15 is a true and correct copy of a letter from Charles Monterio dated April 9, 2012.
17. The parties met and conferred on April 4, 2012. During that meet and confer and in subsequent correspondence, Defendants made efforts to narrow their list of disputed terms further in an effort to reach agreement on a list of ten or fewer terms for the Court's construction. As part of the meet and confer process, Defendants have agreed to withdraw the following proposed terms: "feedback system for receiving collaborative feedback data from system users relative to informons considered by such users", "filtering the combined information for relevance to at least one of the query and the first user", and "searching [for information relevant to a query associated with a first user]." Defendants agreed to seek construction of the word "combining," as Plaintiff requested, rather than the larger phrases Defendants initially proposed. Defendants also agreed to drop two phrases containing "scanning a network" and to instead just construe the term "scanning a network," as Plaintiff requested. Defendants have also agreed to Plaintiff's proposed construction for "query."
18. I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: April 9, 2012



Joshua Sohn

DATED: April 9, 2012

/s/ Stephen E. Noona

Stephen E. Noona
Virginia State Bar No. 25367
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510
Telephone: (757) 624.3000
Facsimile: (757) 624.3169
senoona@kaufcan.com

*Counsel for Google Inc.,
Target Corporation,
IAC Search & Media, Inc.,
Gannet Co., Inc. and AOL, Inc.*

David Bilsker
David A. Perlson
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700
davidbilsker@quinnemanuel.com
davidperlson@quinnemanuel.com

*Counsel for Google Inc.,
Target Corporation,
IAC Search & Media, Inc.,
Gannet Co., Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 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:

Jeffrey K. Sherwood
Kenneth W. Brothers
DICKSTEIN SHAPIRO LLP
1825 Eye Street NW
Washington, DC 20006
Telephone: (202) 420-2200
Facsimile: (202) 420-2201
sherwoodj@dicksteinshapiro.com
brothersk@dicksteinshapiro.com

Donald C. Schultz
W. Ryan Snow
Steven Stancliff
CRENSHAW, WARE & MARTIN, P.L.C.
150 West Main Street, Suite 1500
Norfolk, VA 23510
Telephone: (757) 623-3000
Facsimile: (757) 623-5735
dschultz@cwm-law.com
wrsnow@cwm-law.com
sstancliff@cwm-law.com

Counsel for Plaintiff, I/P Engine, Inc.

Stephen E. Noona
Virginia State Bar No. 25367
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, VA 23510
Telephone: (757) 624-3000
Facsimile: (757) 624-3169
senoona@kaufcan.com

*Counsel for Google Inc.,
Target Corporation,
IAC Search & Media, Inc.,
Gannet Co., Inc. and AOL, Inc.*

/s/ Stephen E. Noona

Stephen E. Noona

Virginia State Bar No. 25367

KAUFMAN & CANOLES, P.C.

150 West Main Street, Suite 2100

Norfolk, VA 23510

Telephone: (757) 624.3000

Facsimile: (757) 624.3169

senoona@kaufcan.com