

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

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I/P ENGINE, INC.,)	
)	
	Plaintiff,)	
	v.)	Civ. Action No. 2:11-cv-512
)	
AOL, INC. et al.,)	
)	
	Defendants.)	
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**DECLARATION OF CHARLES J. MONTERIO, JR.
IN SUPPORT OF I/P ENGINE’S MOTION TO COMPEL
DEFENDANT GOOGLE INC.’S CUSTODIAL DOCUMENT PRODUCTION**

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. This declaration is submitted in support of Plaintiff I/P Engine’s Motion to Compel Defendant Google Inc.’s Custodial Document Production, filed herewith.

2. Google’s technical production consisted of technical documents from Google’s internal technical document repository, a collection of technical wikis prepared by and used by Google’s engineers.

3. That technical production did not include a single custodial document or any other relevant documents responsive to I/P Engine’s document requests.

4. Google and I/P Engine, through counsel, conducted a meet and confer on April 9, 2012.

5. During the April 9th meet and confer, Google stated that it had collected 250,000 custodial documents, stated that it needed to review those documents, and that it would produce all of those documents by June 15, 2012.

6. Google's primary reason for stating June 15 was that it needed time to review the documents for privilege.

7. During the call, Google refused to agree to an earlier production date for all or even a portion of those documents.

8. When I/P Engine stated that it would move to compel, Google's counsel stated that such a motion would be futile, because it would not be ruled upon until May at the earliest, and that the Court would not order Google to immediately turn over all of its documents.

Dated: April 11, 2012

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

Charles J. Monterio Jr.
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Counsel for Plaintiff I/P Engine, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of April, 2012, the foregoing **DECLARATION OF CHARLES J. MONTERIO, JR. IN SUPPORT OF I/P ENGINE'S MOTION TO COMPEL DEFENDANT GOOGLE INC.'S CUSTODIAL DOCUMENT PRODUCTION**, was served via the Court's CM/ECF system, on the following:

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/s/ Jeffrey K. Sherwood _____