

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 OPPOSITION TO GOOGLE AND IAC’S MOTION TO
COMPEL PLAINTIFF TO SUPPLEMENT ITS INFRINGEMENT CONTENTIONS**

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 I/P Engine’s Opposition to Google and IAC’s Motion to Compel Plaintiff to Supplement its Infringement Contentions, filed herewith.

2. On February 13, 2012, Google supplemented its response to I/P Engine’s Interrogatory No. 6 by citing, pursuant to Rule 33(d), over 1,000 documents that it contended showed non-infringement.

3. I/P Engine has reviewed every one of those documents, and has failed to locate any evidence that contradicts I/P Engine’s infringement contentions served on February 17, 2012 or relates to any non-infringement arguments.

4. On March 16, 2012, counsel for I/P Engine sent an email and left a detailed voicemail for Steve Noona, local counsel for Defendants, explaining that I/P Engine's February 17, 2012 infringement contentions were its current contentions, and that I/P Engine intended to supplement as discovery progressed.

5. The parties conducted a meet and confer on April 9, 2012 to discuss Google's custodial production.

6. During the April 9, 2012 meet and confer, Google promised to produce its custodial documents by June 15, 2012.

7. On April 12, 2012, I/P Engine served Rule 30(b)(6) deposition notices on Defendants Google Inc., Gannett Company, Inc., IAC Search & Media, Inc., and Target Corporation.

Dated: April 12, 2012

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

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of April, 2012, the foregoing **DECLARATION OF CHARLES J. MONTERIO, JR. IN SUPPORT OF I/P ENGINE'S OPPOSITION TO GOOGLE AND IAC'S MOTION TO COMPEL PLAINTIFF TO SUPPLEMENT ITS INFRINGEMENT CONTENTIONS**, was served via the Court's CM/ECF system, on the following:

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/s/ Jeffrey K. Sherwood _____