

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 GOOGLE'S REPLY BRIEF
IN SUPPORT OF ITS MOTION TO COMPEL PLAINTIFF TO PRODUCE
DOCUMENTS**

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 Defendant Google Inc. ("Google") 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. Several months ago, Plaintiff demanded the production of deposition and trial transcripts, expert reports, motions, orders, and other documents from prior litigations involving Google AdWords. Google explained that it would be unduly burdensome to collect and produce all of the documents demanded by Plaintiff, many of which were in the possession of outside counsel only. Plaintiff nonetheless insisted that, despite the burden, Google obtain certain documents from outside counsel and produce them.

3. Defendants issued document subpoenas to third parties Lycos, Altitude Capital Partners, and Eidos. Defendants successfully served these subpoenas on Lycos and Altitude Capital Partners, but was not able to successfully find Eidos for service.

4. On November 29, 2011, Defendants issued and served a document subpoena on Donald Kosak.

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

Dated: September 4, 2012



Emily C. O'Brien

DATED: September 4, 2012

/s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 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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