

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' MOTION
TO EXCLUDE THE TESTIMONY OF STEPHEN L. BECKER**

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 Google Inc., IAC Search & Media, Inc., Gannett Co., Inc. and Target Corp. 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 selected pages from the July 25, 2012 Expert Report of Stephen L. Becker, Ph.D.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the Deposition Transcript of Stephen L. Becker, Ph.D., dated September 8, 2012.

4. Attached hereto as **Exhibit 3** is a true and correct copy of selected pages from the August 30, 2012 Report of Defendants' Expert Lyle H. Ungar, Ph.D. Concerning Non-Infringement.

5. Attached hereto as **Exhibit 4** is a true and correct copy of selected pages from the September 4, 2012 Updated Expert Report of Ophir Frieder.

6. Attached hereto as **Exhibit 5** is a true and correct copy of selected pages from the Deposition Transcript of Dr. Ophir Frieder, Ph.D., dated September 6, 2012.

7. Attached hereto as **Exhibit 6** is a true and correct copy of selected pages from the Deposition Transcript of Sanjay Datta, dated June 12, 2012.

8. Attached hereto as **Exhibit 7** is a true and correct copy of selected pages from the August 29, 2012 Rebuttal Expert Report of Keith R. Ugone, Ph.D.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a document produced by Google at bates number G-IPE-0867399.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a document produced by Google at bates number G-IPE-0867400.

11. Attached hereto as **Exhibit 10** is a true and correct copy of a document produced by Google at bates numbers G-IPE-0218431-48.

12. Attached hereto as **Exhibit 11** is a true and correct copy of a document produced by Google at bates number G-IPE-0867397.

13. Attached hereto as **Exhibit 12** is a true and correct copy of a document produced by Google at bates number G-IPE-0867398.

14. Attached hereto as **Exhibit 13** is a true and correct copy of selected pages of a document produced by Google at bates numbers G-IPE-0484319-G-IPE-0484386.

15. Attached hereto as **Exhibit 14** is a true and correct copy of a document produced by third party Yahoo! Inc. at bates numbers YAHOO-000035-YAHOO-000040.

16. Attached hereto as **Exhibit 15** is a true and correct copy of a document produced by third party Yahoo! Inc. at bates numbers YAHOO-000147-YAHOO-000155.

17. Attached hereto as **Exhibit 16** is a true and correct copy of the European Patent Office's Espacenet Bibliographic Data for US2006212447 (A1).

18. Attached hereto as **Exhibit 17** is a true and correct copy of selected pages of the July 31, 2012 Deposition Transcript of Mark Blais, on behalf of Lycos.

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

Dated: September 21, 2012



Emily C. O'Brien

DATED: September 21, 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

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., and Gannett Co., Inc.*

By: /s/ Stephen E. Noona

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

Robert L. Burns
FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER, LLP
Two Freedom Square
11955 Freedom Drive
Reston, VA 20190
Telephone: (571) 203-2700
Facsimile: (202) 408-4400

Cortney S. Alexander
FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER, LLP
3500 SunTrust Plaza
303 Peachtree Street, NE
Atlanta, GA 94111
Telephone: (404) 653-6400
Facsimile: (415) 653-6444
Counsel for Defendant AOL Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 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.

/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