

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 HOWARD CHEN IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S DAUBERT MOTION, AND FOURTH MOTION *IN
LIMINE*, TO EXCLUDE LYLE UNGAR'S NEW THEORY OF INVALIDITY AND
OPINIONS REGARDING CLAIM CONSTRUCTION**

I, Howard Chen, 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., Gannett Co., Inc., IAC Search & Media, 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 Defendant Google Inc.'s Third Set of Interrogatories to Plaintiff, served February 17, 2012.

3. Attached hereto as **Exhibit 2** is a true and correct copy of selected pages of Defendant Google Inc.'s Third Supplemental Response to Plaintiff's First Set of Interrogatories (Interrogatory No. 8), served July 2, 2012.
4. Attached hereto as **Exhibit 3** is a true and correct copy of an email from Joshua Sohn to Plaintiff's counsel, dated July 17, 2012.
5. Attached hereto as **Exhibit 4** is a true and correct copy of an email from Charles Monterio to Joshua Sohn, dated July 19, 2012.
6. Attached hereto as **Exhibit 5** is a true and correct copy of an email from Joshua Sohn to Plaintiff's counsel, dated July 31, 2012.
7. Attached hereto as **Exhibit 6** is a true and correct copy of an email from Emily O'Brien to Plaintiff's counsel, dated August 6, 2012.
8. Attached hereto as **Exhibit 7** is a true and correct copy of selected pages from the transcript of the September 18, 2012 Hearing on Motions.
9. Attached hereto as **Exhibit 8** is a true and correct copy of Plaintiff's Response and Objections to Google's Third Set of Interrogatories, served March 22, 2012.
10. Attached hereto as **Exhibit 9** is a true and correct copy of selected pages of the transcript of the deposition of Donald Kosak, dated May 31, 2012.
11. Attached hereto as **Exhibit 10** is a true and correct copy of selected pages of the transcript of the deposition of Dr. Lyle Ungar, dated September 23, 2012.
12. Attached hereto as **Exhibit 11** is a true and correct copy of selected pages of the transcript of the deposition of Dr. Jamie Carbonell, dated September 21, 2012.
13. Plaintiff deposed the inventor of the Culliss reference on September 27 and questioned him at length about the additional passage cited at Dr. Ungar's deposition.

14. Attached hereto as **Exhibit 12** is a true and correct copy of selected pages of the Report of Dr. Lyle Ungar Concerning Non-Infringement, served August 30, 2012.

15. Attached hereto as **Exhibit 13** is a true and correct copy of selected pages of the transcript of the deposition of Dr. Lyle Ungar, dated September 22, 2012.

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

Dated: October 1, 2012



Howard Chen

DATED: October 1, 2012

/s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 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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