

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 JENNIFER GHAUSSY IN SUPPORT OF DEFENDANTS’
OPPOSITION TO PLAINTIFF’S SECOND MOTION FOR DISCOVERY SANCTIONS**

I, Jennifer Ghaussy, 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 A** is a true and correct copy of Google’s First Supplemental Response to Plaintiff I/P Engine, Inc.’s Fourth Set of Interrogatories, dated August 29, 2012.

3. Attached hereto as **Exhibit B** is a true and correct copy of Google's Third Supplemental Objections and Responses to Plaintiff I/P Engine, Inc.'s Fourth Set of Interrogatories (No. 15), dated September 13, 2012.
4. Attached hereto as **Exhibit C** is a true and correct copy of selected pages from the June 12, 2012 Deposition of Google's 30(b)(6) designee Sanjay Datta.
5. Attached hereto as **Exhibit D** is a true and correct copy of Exhibit 2 to the June 12, 2012 Deposition of Google's 30(b)(6) designee Sanjay Datta.
6. Attached hereto as **Exhibit E** is a true and correct copy of Exhibit 3 to the June 12, 2012 Deposition of Google's 30(b)(6) designee Sanjay Datta.
7. **Exhibit F** is intentionally left blank.
8. Attached hereto as **Exhibit G** is a true and correct copy of a letter from Jennifer Ghaussy to Charles Monterio, dated May 8, 2012.
9. Attached hereto as **Exhibit H** is a true and correct copy of selected pages from the September 12, 2012 Deposition of Nicholas Fox.
10. Attached hereto as **Exhibit I** is a true and correct copy of selected pages from the August 23, 2012 Deposition of Gary Holt.
11. Attached hereto as **Exhibit J** is a true and correct copy of selected pages from the June 21, 2012 Deposition of Google's 30(b)(6) designee Jonathan Glen Alferness.
12. Attached hereto as **Exhibit K** is a true and correct copy of a document produced by Google at bates number G-IPE-0559880-0559882. Google produced this document in May 2012. Plaintiff never questioned Google's witnesses about it, nor requested any type of follow-up discovery about this document.

13. Although the Court's claim construction order is dated June 15, 2012, it was sent to the parties on June 18. The ten-hour deposition of Jonathan Alferness occurred on June 21, three days later. After the order issued, Plaintiff did not request that Mr. Alferness be designated for the non-infringing alternative topic. Plaintiff never requested a 30(b)(6) witness on the topic of non-infringing alternatives after the June 18 issuance of the claim construction order.

14. The deposition of Defendants' expert witness on damages, Dr. Keith Ugone, occurred on September 14, 2012. The deposition of Defendants' expert witness on non-infringement and invalidity, Dr. Lyle Ungar, occurred on September 22 and 23, 2012. During these depositions, Plaintiff asked questions of both experts about non-infringing alternatives.

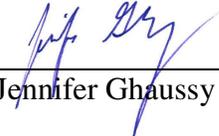
15. Google agreed to allow Plaintiff to take depositions of Google employees Nicholas Fox and Jonathan Diorio on September 12 and September 18, 2012, even though fact discovery closed on September 4. Google also cooperated with Plaintiff to allow Plaintiff to depose third-party fact witnesses Ruben Ortega and Gary Culliss on September 25 and 27. Google would have cooperated with allowing depositions in connection with Google's August 29 supplementation of its response to Interrogatory No. 15, if Plaintiff had requested any.

16. Dr. Stephen Becker's July 25 expert report referenced an internal Google presentation. After speaking with the author of the presentation, Google determined that the author of that statement did not have personal knowledge of it, and that a different Google employee would have knowledge of this issue. This employee gave to Google's counsel the four emails that Plaintiff now moves to exclude, which were promptly produced to Plaintiff.

17. Google has produced almost 900,000 pages of documents to Plaintiff in this case to date.

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

Dated: October 1, 2012



Jennifer Ghaussy

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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