

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 MARGARET P. KAMMERUD IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO PLAINTIFF'S THIRD MOTION FOR DISCOVERY SANCTIONS**

I, Margaret P. Kammerud, 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 L<sup>1</sup> is a true and correct copy of Plaintiff's Fifth Set of Interrogatories to Google, dated August 1, 2012.

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<sup>1</sup> This Declaration begins with reference to Exhibit L to avoid overlap in exhibit numbers with the Declaration of Jennifer Ghaussy In Support of Defendants' Opposition to Plaintiff's "Second" Motion for Discovery Sanctions.

3. Attached hereto as Exhibit M is a true and correct copy of selected pages from the September 8, 2012 Deposition of Ophir Frieder.
4. Attached hereto as Exhibit N is a true and correct copy of Google's Response to Plaintiff's Fifth Set of Interrogatories, dated September 4, 2012.
5. Attached hereto as Exhibit O is a true and correct copy of Google's Supplemental Response to Plaintiff's Fifth Set of Interrogatories, dated September 14, 2012.
6. Attached hereto as Exhibit P is a true and correct copy of a chain of email correspondence between Jennifer Ghaussy, Jonathan Falkler, and Antonio Sistos, dated September 14 through September 19, 2012.
7. Attached hereto as Exhibit Q is a true and correct copy of selected pages from the August 3, 2012 Deposition of Bartholomew Furrow.
8. Attached hereto as Exhibit R is a true and correct copy of selected pages from the transcript of proceedings for the September 18, 2012 Hearing on Motions.
9. Shortly after Plaintiff filed its Complaint in this Action, Plaintiff and Google began to negotiate early production of Google's technical documents. When the parties first were negotiating this production, Plaintiff's counsel told Google that it was not interested in source code at that time. Instead, the parties stipulated that after Plaintiff provided preliminary infringement contentions and initial written discovery on November 7, Google would make an initial production of technical documents from its document repositories by December 7. Google provided these documents on December 7.
10. On July 25, Plaintiff served the expert report of Dr. Ophir Frieder, which was the deadline for Plaintiff's infringement report. On September 4, 2012, Plaintiff served the "Updated" Report of Dr. Frieder. This "Updated" Report was the first time that Dr. Frieder

identified [REDACTED] as relevant to infringement. Immediately after receiving this Updated Report, Google researched internally to determine when [REDACTED] [REDACTED].

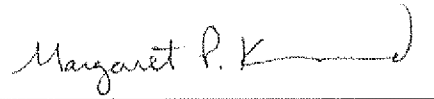
11. Plaintiff first reviewed the source code files it had requested from Google on July 13, 2012. Included within these source code files were [REDACTED] that Dr. Frieder identified for the first time in his September "Updated" Report. The very first page of the source code printed by Plaintiff on July 13 states it was [REDACTED] SC-G-IPE-0000001.

12. Google served its objections to Plaintiff's Fifth Set of Interrogatories on August 20, 2012.

13. On June 21, 2012, Plaintiff deposed Jonathan Alferness, Google's 30(b)(6) witness on technical topics.

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

Dated: October 1, 2012

  
Margaret P. Kammerud

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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