

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 O'BRIEN IN SUPPORT OF DEFENDANTS' MOTION TO  
STRIKE PLAINTIFF'S DEPOSITION DESIGNATIONS**

I, Emily 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., 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 Exhibit A of Plaintiff I/P Engine, Inc.'s Initial Pretrial Disclosure, dated September 19, 2012.

3. Attached hereto as **Exhibit 2** is a true and correct copy of an email chain between Emily O'Brien and Kenneth Brothers, dated between September 22 and September 26, 2012.

4. In addition to Defendants' proposed compromises set forth in Exhibit 2, Defendants also proposed during a telephone call that Plaintiff focus on the five most important witnesses and at least narrow those designations, so that Defendants would be able to properly

object and counter-designate. As with the other compromise offers, Plaintiff refused this compromise as well.

5. Attached as **Exhibit 3** is a true and correct copy of an email chain between Emily O'Brien, Stephen Noona, and Kenneth Brothers dated October 4-5, 2012.

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

Dated: October 4, 2012



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Emily C. O'Brien

DATED: October 5, 2012

/s/ Stephen E. Noona

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 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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