

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'**  
**EMERGENCY MOTION FOR SANCTIONS AND TO STRIKE SUPPLEMENTAL**  
**EXPERT REPORT IN VIOLATION OF THE COURT'S OCTOBER 9 ORDER.**

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., 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 Plaintiff's Second Updated Expert Report of Ophir Frieder, dated October 12, 2012.
3. On October 13, 2012, I held a meet and confer with Plaintiff during which Plaintiff did not dispute its supplementation was not authorized by, and went beyond, the Court's October 9 Order. During that same meet and confer, Plaintiff asserted that it had a right to supplement its

report simply because the Third Motion for Sanctions had been denied, and thus the supplemental source code production only then become part of the case.

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

Dated: October 14, 2012



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Emily O'Brien

DATED: October 14, 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 A. Perlson  
David Bilsker  
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 October 14, 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