

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

I/P ENGINE, INC. Plaintiff, v. AOL, INC., <i>et al.</i> , Defendants.	Civil Action No. 2:11-cv-512
---	------------------------------

**DECLARATION OF KRISTIN ZMRHAL IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION FOR DEFENDANTS TO SHOW CAUSE**

I, Kristin Zmrhal, declare as follows:

1. I am an eDiscovery Project Manager at Google Inc. ("Google"). I provide this declaration upon personal knowledge and, if called upon as a witness, would testify competently as to the matters recited herein.
2. On August 27, 2013, using Google Apps Vault, Google attempted a number of sample searches in the email of Bartholomew Furrow, David Arther and Michael Hochberg "the custodians".
3. On August 28, 2013, in an effort to respond quickly, Google collected all of the emails of the three custodians (Bartholomew Furrow, David Arthur, and Michael Hochberg) within the designated date range of April 1, 2012 through August 23, 2013, and transmitted

those documents to a third party discovery vendor. Google collected approximately two million documents from the three custodians sent or received in the designated time period. This resulted in 11.36 GB of compressed data.

4. The collected data was transmitted to the discovery vendor for processing, indexing, de-duplication and searching. Once the processing was complete, Google's vendor applied the following search terms across the text extracted from the email and email attachments:

- "Whole Page" w/3 (differen* or replac*)
- "per position" w/3 (differen* or replac*)
- ("Quality Based Bidding" or QBB) w/3 (disabl* or off)
- ("Quality Based Bidding" or QBB) w/5 (differen* or replac*)
- mixer w/3 (disabl* or off)
- promotion w/5 (differen* or replac*)
- mixer w/3 (disabl* or off)
- promotion w/3 off (or disabl* or off)

5. The documents that hit on the search terms were loaded into an online review repository and Google was given access on August 30, 2013.

6. Once Google's attorneys were provided access to the resulting emails and email attachments, the team began prepared the data for responsiveness and privilege review.

7. Google has staffed the case with fifteen attorneys, all of whom are anticipated to work full-time to complete the production as soon as possible. In addition to the fifteen attorneys, seven attorney specialists have been staffed to the matter part-time to assist with

quality control and document analysis.

8. Review of these documents includes a review for responsiveness, privilege, and source code. As of today, I estimate that a substantive review of the documents will take over 220 attorney hours or approximately two days. Additional time needed for quality control and preparation for production will take up to three additional days, for a total review time of five working days.

9. After all review is complete, the vendor must process the responsive documents for production. As of today, I estimate that production processing will take at least two days.

10. Based on the foregoing, a conservative estimate is that production of the requested documents could be completed by September 13, 2013.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 4th of September, 2013 at Mountain View, California.


Kristin Zmrhal

DATED: September 4, 2013

/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

Counsel for Google Inc.

David A. Perlson
QUINN EMANUEL URQUIART &
SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, California 94111
Telephone: (415) 8756600
Facsimile: (415) 8756700
davidperlson@quinnemanuel.com

Counsel for Google Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 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.

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

*Counsel for Google Inc.,
Target Corporation,
IAC Search & Media, Inc.,
Gannet Co., Inc. and AOL, 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