

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

---

I/P ENGINE, INC.,

Plaintiff,

v.

AOL, INC. et al.,

Defendants.

---

Civ. Action No. 2:11-cv-512

**DECLARATION OF CHARLES J. MONTERIO, JR.  
IN SUPPORT OF I/P ENGINE'S SUPPLEMENTAL MEMORANDUM  
OF ADDITIONAL FACTS**

I, Charles J. Monterio, Jr., declare as follows:

1. I am an attorney with the law firm of Dickstein Shapiro LLP, 1825 Eye Street N.W., Washington, DC 20006 and am counsel for Plaintiff I/P Engine, Inc. ("I/P Engine") in the above-captioned case.

2. On Friday, September 20, 2013, I/P Engine deposed Mr. Bartholomew Furrow about the changes Google made to its AdWords system.

3. Based on Mr. Furrow's testimony, on Monday, September 23, 2013, I/P Engine requested that Google produce:

- The textual descriptions in change lists associated with change list numbers for all produced source code files [REDACTED] and
- The [REDACTED] entry for [REDACTED]

4. During Mr. Furrow's deposition, he confirmed that these documents existed and are relevant to the changes in the AdWords system.

5. In response to I/P Engine's request, Google produced the textual descriptions in changes lists the morning of Wednesday, September 25, 2013.

6. Before then, I/P Engine was left to sort through Google's produced source code without the aid of these descriptions.

7. Google also produced on the morning of September 25, 2013 the [REDACTED] entries for both [REDACTED]

8. The [REDACTED] documents would have similarly aided I/P Engine's analysis of Google's source code.

9. I/P Engine's deadline to serve its expert reports was that same day, September 25, 2013. Even having received relevant documents that same day, I/P Engine timely served its expert reports on September 25, 2013.

Dated: October 7, 2013

By: /s/ Charles J. Monterio, Jr.

Charles J. Monterio Jr.

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006

Telephone: (202) 420-2200

Facsimile: (202) 420-2201

Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2013, the foregoing was served via the Court's  
CM/ECF system on the following:

Stephen Edward Noona  
Kaufman & Canoles, P.C.  
150 W Main St  
Suite 2100  
Norfolk, VA 23510  
senoona@kaufcan.com

David Bilsker  
David Perlson  
Quinn Emanuel Urquhart & Sullivan LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
davidbilsker@quinnemanuel.com  
davidperlson@quinnemanuel.com

Robert L. Burns  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190  
robert.burns@finnegan.com

Cortney S. Alexander  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
3500 SunTrust Plaza  
303 Peachtree Street, NE  
Atlanta, GA 94111  
cortney.alexander@finnegan.com

/s/ Jeffrey K. Sherwood