

EXHIBIT “O”

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**NORTHEASTERN UNIVERSITY and
JARG CORP.,**

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 2:07-CV-486 (CE)

Jury Trial Demanded

**DEFENDANT GOOGLE INC.'S RESPONSES AND OBJECTIONS TO
PLAINTIFFS NORTHEASTERN UNIVERSITY AND JARG CORP.'S
INTERROGATORIES NOS. 1-8**

Pursuant to Federal Rules of Civil Procedure 26 and 33, defendant Google Inc. ("Google") responds to plaintiffs Northeastern University and Jarg Corp.'s First Set of Interrogatories Nos. 1-8 ("Interrogatories") as follows:

GENERAL STATEMENT AND OBJECTIONS

The responses provided herein are submitted on behalf of Google, and reflect Google's continuing investigation of facts and discovery of information and documents relating to the claims and defenses at issue in this action. Google's responses are based only upon its current knowledge and reasonable belief. Google expressly reserves the right to modify and/or supplement any and all of its responses herein, and to assert additional objections to these interrogatories as necessary and/or appropriate.

Nothing in these responses shall be deemed an admission by Google regarding the existence of any information, the relevance, authenticity, materiality or admissibility of any information for any purpose, or the truth or accuracy of any statement or characterization contained in any Interrogatory. Where Google responds by identifying individuals with knowledge concerning a particular subject matter identified in an Interrogatory, such response

INTERROGATORY NO. 5:

For each of the Systems described or identified in Interrogatories No. 1 and 2, Describe in Detail any major changes in the architecture or operation of that System including the approximate time when such changes occurred.

RESPONSE TO INTERROGATORY NO. 5:

Google incorporates by reference its General Statement and Objections as though fully set forth herein, and further incorporates its Specific Objections to Interrogatory Nos. 1 and 2 herein. Google objects to this interrogatory as vague, ambiguous, overbroad, and unduly burdensome because of its use of the undefined terms “major changes,” “architecture,” and “operation.” Google also objects to this interrogatory as compound and containing at least nine interrogatories in violation of Fed. R. Civ. P. 33. Google also objects to this interrogatory as seeking information that is neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Google objects to this interrogatory as premature until the time at which Google is obligated to make its P.R. 3-4 disclosures in this case. Google further objects to this interrogatory on the grounds that it seeks to require Google to provide information earlier than the date set by the applicable rules and the Court’s Docket Control Order (Docket No. 33).

Given that discovery has just commenced and Google’s investigation is ongoing, subject to, and without waiving these objections and its right to further supplement its response, Google refers plaintiffs to Google’s forthcoming initial disclosures. To the extent this interrogatory can be understood, Google further responds that pursuant to Fed. R. Civ. P. 33(d), this information can be ascertained from its P.R. 3-4(a) production as well as the Google authored materials cited in plaintiffs’ P.R. 3-1(c) charts.

INTERROGATORY NO. 6:

Describe in Detail the complete factual basis for Google’s contention that it does not infringe, either directly or indirectly, the ‘593 patent.

RESPONSE TO INTERROGATORY NO. 6:

Google incorporates by reference its General Statement and Objections as though fully set forth herein. Google objects to this interrogatory as vague, ambiguous, overly broad, and unduly burdensome because of its use of the term “Describe in Detail” and the undefined term “complete factual basis.” Google further objects to this interrogatory to the extent it calls for information protected by the attorney-client privilege and/or work product immunity. Google objects to this interrogatory as premature until the time at which Google is obligated to make its P.R. 3-4 disclosures in this case, and the Court issues a claim construction. Google further objects to this interrogatory on the grounds that it seeks to require Google to provide information earlier than the date set by the applicable rules and the Court’s Docket Control Order (Docket No. 33) and Discovery Order (Docket No. 32). Moreover, Google objects to this interrogatory given that plaintiffs served this request before even identifying which claims were asserted, and, moreover, that Google has taken the Rule 30(b)(6) deposition of Jarg Corporation and Northeastern University, which improperly refused to divulge, on privilege and work product grounds, plaintiffs’ theory of infringement or any meaningful information about the ‘593 patent. *See, e.g., Pirri and Belanger Depo. Trs. (throughout).*

Given that discovery has just commenced and Google’s investigation is ongoing, subject to, and without waiving these objections and its right to further supplement its response, Google refers plaintiffs to Google’s forthcoming initial disclosures. Google further responds that pursuant to Fed. R. Civ. P. 33(d), this information can be ascertained through plaintiffs’ P.R. 3-1(c) chart itself and in the materials cited therein and may be further ascertained in Google’s P.R. 3-4(a) production. In this regard, plaintiffs’ P.R. 3-1(c) chart and the cited Google materials, do not show that the following limitations, among others, are satisfied under any reasonable construction of the claims:

“Hash” (claims 1, 8, and 13): this claim element plainly requires that the “home node” “hash” a “query fragment,” however, the language identified by Plaintiffs is that the Google document server (first infringement theory) and the barrels (second infringement theory), which

are alleged to be the “query nodes,” perform this function. *See, e.g.*, plaintiffs’ P.R. 3-1(c) disclosures, Exhibit A at 4, 8, 11 (First Infringement Contentions) and 15, 18 (Second Infringement Contentions (it is noted plaintiffs’ contentions provide no evidence that a “query fragment” is hashed at all)). Plaintiffs’ positions are inconsistent: “query nodes” and “home nodes” are two different nodes, even under plaintiffs’ contentions, yet plaintiffs have identified no evidence that the alleged “home node” satisfies the limitation. Since under plaintiffs’ theory the “query node” is purportedly performing the “hash” and plaintiffs have not identified any step by the alleged “home node” as satisfying this limitation, Google does not infringe under any reasonable construction of the claim terms. Moreover, beyond plaintiffs’ failure to reconcile their contentions regarding the alleged “node” performing the function required by this element, the disclosure cited in plaintiffs’ First Infringement Contentions indicates that what is hashed is a URL for a known document, not a “query fragment” as is required by the claim, and in plaintiffs’ Second Infringement Contentions there is no reference to what is actually hashed (as opposed to the use of a hash table) and even then what plaintiffs have identified is not hashing a query fragment at the alleged “home node.” In addition, plaintiffs cite to no evidence that the alleged “hashed query fragment” has a “first portion” and a “second portion,” or that URLs, for instance, are “fragmented” from a query and then hashed into hash values. These and other limitations, which will become more clear as the differences between the parties on the respective claim constructions take shape and plaintiffs articulate a logical infringement theory, are not satisfied by the alleged infringing technology or taught by the very materials cited by plaintiffs.

INTERROGATORY NO. 7:

Describe in Detail when and how Google first became aware of, or received information regarding, the ’593 patent or U.S. Pat. App. No. 08/318,252 including, but not limited to the identification of all persons at Google receiving such information or knowledge.

RESPONSE TO INTERROGATORY NO. 7:

Google incorporates by reference its General Statement and Objections as though fully set forth herein. Google objects to this interrogatory as vague, ambiguous, overly broad and