

WILMERHALE

June 27, 2008

Elizabeth I. Rogers

VIA E-MAIL AND FIRST CLASS MAIL

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181 West Madison Street, Suite 4600
Chicago, Illinois 60602

T. John Ward, Jr.
Ward & Smith Law Firm
111 W. Tyler St.
Longview, Texas 75601

Re: IP Innovation L.L.C. et al. v. Google, Inc., E.D. Tex. Civil Action No. 2:07-cv-00503

Dear Douglas and Johnny:

I write to request a meet and confer regarding deficiencies in IP Innovation L.L.C. and Technology Licensing Corporation's Initial Patent Disclosures. Unless addressed, the deficiencies will hinder Google's ability to prepare Invalidity Contentions. Therefore, we hope we can reach a resolution, including your agreement to serve proper disclosures, promptly.

Google's local and lead trial counsel are available for a call on Tuesday, July 1, 2008 at 1:00 pm Central time. Please confirm Plaintiffs' availability or propose an alternative time.

We would like to discuss, and seek your agreement to remedy, the following deficiencies:

1. As an initial matter, Plaintiffs have not established that they have standing to maintain this lawsuit. The Initial Patent Disclosures and accompanying document production have not shown that Plaintiffs own U.S. Patent Nos. 5,276,785 (the "785 patent") and 5,675,819 (the "819 patent"). Please explain the basis for Plaintiffs' claim of ownership, and promptly produce the documents on which it is based.

2. Plaintiffs' Initial Patent Disclosures do not comply with the requirement of Local Patent Rule 3-1(b) to identify each Accused Instrumentality in a manner that is "as specific as possible." Plaintiffs have asserted method claims. But as Accused Instrumentalities, Plaintiffs have identified only products, not methods. At a minimum, Plaintiffs need to provide the following information for each asserted claim:

- Whether Plaintiffs contend that the use of each accused Google product *alone* infringes, or whether each accused Google product must be used in conjunction with any other product(s) or device(s) to allegedly infringe;

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Beijing Berlin Boston Brussels London Los Angeles New York Oxford Palo Alto Waltham Washington

EXHIBIT A

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- Whether Plaintiffs contend that the use of each Accused Instrumentality *necessarily* infringes, or whether the alleged infringement occurs only if and when the Accused Instrumentality is used in a particular manner;
- Whether Plaintiffs contend that Google infringes directly (and if so, on what basis);
- Whether Plaintiffs contend that Google induces infringement by any other alleged direct infringer(s) (and if so, why and how Google allegedly induces infringement, and of which alleged direct infringers); and
- Whether Plaintiffs contend that Google contributes to infringement by any other alleged direct infringers (and if so, why and how Google allegedly contributes to infringement, and of which alleged direct infringers).

3. Plaintiffs' claim chart purportedly showing infringement of claim 1 of the '819 patent by Google Search Appliance is deficient in that it relies on Google's alleged search techniques to establish infringement of the claim directed to a "method, using a processor and memory, *for generating a thesaurus of word vectors . . .*" There is no mention of the specific steps carried out or features of Google Search Appliance that purportedly generate a thesaurus other than the bald assertion in the beginning of the chart that "Google Search Appliance uses a processor and memory for generating a thesaurus of word vectors." Instead, the claim chart focuses on the results of an information retrieval request to demonstrate that Google allegedly ranks web pages and will return documents with the search terms chosen within a few words of each other. These allegations are insufficient to meet Plaintiffs' obligations under the Local Patent Rules. Please either promptly remedy these deficiencies by providing a claim chart that actually maps the claim limitations to the specific accused features of Google Search Appliance or withdraw the allegation of infringement of claim 1.

4. With regard to claim 52 of the '785 patent, Plaintiffs' Initial Patent Disclosures do not appear to have complied with the requirement of Local Patent Rule 3-1(c) to identify the structure(s) in the Accused Instrumentality that perform the function claimed by each limitation governed by 35 U.S.C. § 112, ¶ 6. If Plaintiffs contend that "user input means for providing signals" of claim 52 is governed by § 112, ¶ 6, the Initial Patent Disclosures must identify the allegedly corresponding structure(s).

5. Although Plaintiffs' Initial Patent Disclosures list claim 39 of the '819 patent as a claim purportedly infringed by Google under Local Patent Rule 3-1(a), Plaintiffs have not provided an infringement chart for claim 39 as Local Patent Rule 3-1(c) requires for asserted claims. Accordingly, we understand that Plaintiffs are not asserting this claim. Google will oppose any attempt to assert claim 39 absent prompt receipt of a claim chart providing Plaintiffs' infringement contentions with the specificity required by the Local Patent Rules as requested in this letter.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth I. Rogers". The signature is written in black ink on a light-colored background.

Elizabeth I. Rogers

cc: David J. Beck
Michael E. Richardson