

EXHIBIT 13

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May 7, 2012

Via E-mail

Jen Ghaussy, Esq.
Quinn Emanuel Urquhart & Sullivan, LLP
50 California Street, 22nd Floor
San Francisco, CA 94111

Re: I/P Engine's 30(b)(6) Deposition Topics to Defendants

Dear Jen:

Further to our meet and confer on April 26, 2012, I write to memorialize our understanding of the parties' positions and to respond to your letter dated April 27, 2012.

ESI Agreement

On our call, we explained that we expect Google to have the ability to produce unsent draft emails in its possession, custody, or control that are distinguishable from any auto-save functions. You agreed to speak to Google about the issue. I/P Engine awaits your response. If we are at an impasse on the issue, please notify us promptly.

I/P Engine's understanding is that the parties previously agreed not to collect and produce (or log) any documents created after the filing date of the litigation (custodial or non-custodial). Defendants' position is that I/P Engine is correct with respect to custodial documents, but not correct with respect to non-custodial documents. Given Defendants' position concerning non-custodial documents, there appears to be no agreement with respect to non-custodial documents. Thus, certain categories of documents may be responsive and are required to be produced, e.g., forecasts, design arounds, that were/are created after the litigation-filing date. Notwithstanding, I/P Engine does not possess any non-custodial documents that have not been produced. I/P Engine does recognize its duty to supplement under Rule 26. Further, September 15 is acceptable for the cut-off date.

Merger Documents

As we have already explained, Innovate/Protect is not a party to this lawsuit. Innovate/Protect received your subpoena and will respond in due course.

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30(b)(6) Deposition Topics

For many topics, your April 27, 2011 letter states that you either agreed to identify a witness, or stated that you would confer with your client about providing a witness. It has been more than a week since that letter. Please immediately notify us of your witness, or identify topics for which we are at an impasse so that there is no further delay.

Liability Topics 1-8 and 10-13 for Target, Gannett and IAC: Defendants have agreed to produce a designee that will testify to Defendants' knowledge, or lack thereof, for each of topics 1-8 and 10-13. I/P Engine requests that Defendants provide the dates for depositions and identify each designee for these topics without delay.

Liability Topic 9 for Target, Gannett and IAC; Liability Topic 11 for Google: During the call, Defendants stated that it would be "impossible" to prepare witnesses to testify as to Google, Target, Gannett, and IAC's knowledge of the improvements, modifications or changes to Google AdWords and Google AdSense for Search since January 1, 2005. As I/P Engine explained, it is interested in these parties' knowledge of the improvements, modifications or changes related to the accused systems and functionalities of Google AdWords and Google AdSense for Search, and system features described in any asserted contention by any party related to infringement, non-infringement, or any other issue asserted in this litigation since January 1, 2005. I/P Engine agrees to focusing these topics to this described scope.

This clarification should allay Defendants concerns of any perceived burden to prepare witnesses to testify regarding these topics as the information sought is directly relates to the parties' own assertions and contentions. I/P Engine requests identification of witnesses for each party.

Liability Topics 14-17 for Target, Gannett and IAC: Defendants contend that these topics are not proper 30(b)(6) topics because they are related to contentions. As we stated during the call, I/P Engine disagrees. The Federal Rules of Civil Procedure do not limit a party from seeking a party's contentions by a specific discovery method. I/P Engine has a right to explore the factual basis for Defendants' specific contentions through a 30(b)(6) deposition – this has been recognized by numerous courts. *See, e.g., Security Ins. Co. of Hartford v. Trustmark Ins. Co.*, 218 F.R.D. 29, 34 (D. Conn. 2003) ("nothing precludes a deposition either in lieu of or in conjunction with [contention] interrogatories"); *AMP, Inc. v. Fujitsu Microelectronics, Inc.*, 853 F.Supp. 808, 831 (M.D. Pa. 1994) (compelling a corporate defendant to produce a 30(b)(6) witness to answer questions regarding the contentions and affirmative defenses detailed in defendants' answer and counterclaim); *Buehrle v. City of O'Fallon*, No. 4:10-CV-00509, 2011 WL 529922 at *3 (E.D. Mo. Feb. 8, 2011) ("Producing documents and responding to written discovery is not a substitute for providing a thoroughly educated Rule 30(b)(6) deponent There are strong reasons why a party will select to proceed by oral deposition rather than alternate means, most significantly the spontaneity of responses.") (citation omitted). With this in

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mind, as agreed during the call, please provide us with the parties' decision as to whether they will be providing witnesses to testify on these topics.

Regarding topic 15 in particular, Defendants state that because this topic is directed to non-infringing alternatives, it is premature as it seeks information that cannot be discussed prior to claim construction. As I/P Engine already explained, since Google has already provided non-infringement contentions, it is not premature to request any non-infringing alternatives currently known to the parties, including any based on these non-infringement contentions. Please identify a designee for these topics, or confirm that the parties are at an impasse.

Damages Topic 5 to Target, Gannett and IAC; Damages Topic 8 to Google: Our understanding is that if these topics are amended to replace the term "pricing" with "revenue sharing," Defendants agree to produce a designee. We agree to rewrite the topics as below:

5. [Defendant's] awareness of Google's revenue sharing strategies, [Defendant's] evaluations of competitor's revenue sharing strategies, and [Defendant's] understanding of Google's determination of the revenue sharing for [Defendant's] to use Google AdWords and Google AdSense for Search.

8. Google's revenue sharing strategies, evaluations of competitor's revenue sharing and revenue sharing strategies, and Google's determination of revenue sharing for non-Google websites that use Google AdWords and Google AdSense for Search.

Please promptly identify a designee for these topics. To the extent that these Defendants, continue to object, please provide alternative language for our consideration.

Damages Topics 6 and 7 to Target, Gannett and IAC; Damages Topic 8 and 10 to Google:

In view of our discussions, you agreed to confer with Defendants about providing a designee. I/P Engine expects each of the Defendants to identify a designee for this topic. Please promptly identify each Defendants' designee for this topic.

Damages Topic 9 to Target, Gannett and IAC; Topic 16 to Google: Defendants object to the relevance of these topics, which seek information regarding indemnification by Google of its partners including the other defendants in this case. This information is relevant at least because it goes to identification of the true party or parties in interest in the lawsuit. Please promptly identify Defendants' designees for these topics, or confirm that the parties are at an impasse.

Liability Topics 2-4 to Google: Google has agreed to provide Mr. Alferness to testify regarding "relevance" and "keyword spam score" as identified in these topics.

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Liability Topics 5-7, 9 and 12 to Google: In view of our discussions, you agreed to confer with Google about providing a designee. I/P Engine expects Google to identify a designee for this topic. Please promptly identify Google's designee for this topic.

Liability Topic 8 to Google: Google has agreed to produce a corporate designee to testify on the topic of the system architecture of SmartAss. Please promptly identify Google's designee for this topic.

Identification of Designees and Proposed Dates: We expect Defendants to identify designees and proposed dates for these 30(b)(6) depositions within the next day or two, given that we will be a week from our meet and confer. If no dates or designee is received for a topic, we will assume that the parties are at an impasse.

30(b)(6) Deposition Dates

We acknowledge Google's offer to conduct Jonathan Alferness' deposition, as a Google 30(b)(6) designee, on May 23 in Northern California. Please either provide us with preceding dates for the earlier noticed 30(b)(6) depositions for Target, Gannett and IAC or provide us with explanations as to why they are not available prior to May 23 (we acknowledge receipt of your April 30 email offering IAC's 30(b)(6) designees on June 20-21 in Oakland, CA). We also remind Google that we are awaiting Google's response to our inquires mentioned above. I/P Engine served its 30(b)(6) notices on Defendants April 2, 2012; accordingly, and because we are running up against the expert report deadline, it is imperative that we resolve these issues relating to scheduling dates, topics and designees for the 30(b)(6) notices by COB Wednesday, May 9.

Inventor Depositions

As we discussed with Ms. O'Brien after the hearing on May 1, 2012, I/P Engine is contacting the inventors as to their availability. The inventors will each sit for one 7-hour 30(b)(1) deposition (we are attempting to schedule back-to-back dates). Pursuant to the Federal Rules of Civil Procedure, our position is that after this one-day deposition, the deposition is closed. If Defendants desire to depose either inventor under Rule 30(b)(1) a second time for any reason, they must petition Court. Additionally, as mentioned in my May 4 email, we are in the process of confirming back-to-back dates for the inventor depositions. We provide additional comments concurrently under separate cover.

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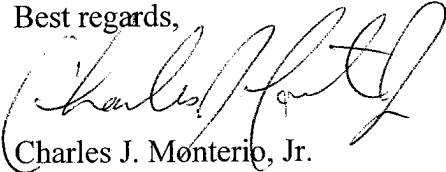
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If our understanding is incorrect regarding any of the issues discussed above, please advise immediately.

Best regards,



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CJM/

cc: Stephen E. Noona
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