

EXHIBIT 15

From: David Perlson
Sent: Thursday, December 15, 2011 4:16 PM
To: Brothers, Kenneth; Margaret P. Kammerud
Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
Subject: RE: I/P Engine v. AOL, et al.
Attachments: Redline DSMDB-#3009744-v1-DS_redline_to_QE_12_7_PO-4510845 Agreed PO.PDF; Redline DSMDB-#3009743-v1-DS_redline_to_QE_12_7_ESI_plan-4510860 Stip.pdf; Redline DSMDB-#3009731-v1-DS_redline_of_QE_12_7_discovery_plan-4510853 Jt Discovery Plan.pdf

Follow Up Flag: Follow up

Ken, I think we are close.

Please see redlines attached which should hopefully be self explanatory. If not, we can discuss on our call tomorrow.

David

From: Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]
Sent: Thursday, December 15, 2011 10:24 AM
To: Margaret P. Kammerud
Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
Subject: RE: I/P Engine v. AOL, et al.

Meg:

Per our meet and confer yesterday, enclosed are redline markups of the protective order and discovery agreements. I accepted your edits first. I have highlighted the areas where we have competing proposals. I also have included a couple of last-ditch compromise proposals that will be withdrawn if not accepted during our meet and confer scheduled for tomorrow afternoon.

Ken

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From: Margaret P. Kammerud [mailto:megkammerud@quinnemanuel.com]
Sent: Tuesday, December 13, 2011 5:22 PM
To: Brothers, Kenneth
Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
Subject: RE: I/P Engine v. AOL, et al.

Ken,

When can we expect Plaintiff's feedback on the latest drafts of the protective order and discovery agreements?

Thanks,
Meg

From: Margaret P. Kammerud
Sent: Wednesday, December 07, 2011 12:53 PM
To: 'Brothers, Kenneth'
Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
Subject: I/P Engine v. AOL, et al.

Ken,

Attached are the most recent drafts of the protective order, discovery plan, and document production agreement. Our changes are redlined and highlighted in yellow. Plaintiff's last edits also remain redlined in the document, but are not highlighted except for the two sections in the PO that we may have to raise with the Court.

Our changes are explained below.

Protective Order

On page 3, we removed the provision allowing confidential information to be shared with Plaintiff's Chief Operations Officer. It is unfounded for a company leader who engages in competitive business decisions to have access to highly sensitive, confidential business information produced in a litigation.

On page 5, we put back in the provision granting the producing party the discretion to select the location at which source code is produced. The protective order ensures that the parties will cooperate in good faith in determining a location for source code production, but in the end, each party must have the ability to best protect its source code.

On page 10, we fixed a minor nit concerning the number of experts or consultants who may access source code. We agree with your proposal to allow four outside experts or consultants access.

On page 15, we removed the language stating that limits on patent prosecution do not apply to reexaminations. This does not add anything to the agreement due to the fact that reexaminations already are not included in the prosecution limits.

On pages 16 and 17 we adjusted the limitations on objecting to experts in order to clarify the reasonableness requirements.

On page 18 you added the phrase "or otherwise provided by the Federal Rules of Civil Procedure or Federal Rules of Evidence." Could you please explain why you believe this is necessary?

Discovery Plan

On page 6 we have added the phrase "endeavor in good faith to" in regards to providing an initial privilege log on or before January 30, 2012. Although we do not foresee any delay in the preparation and service of the initial privilege logs, this allows the parties to deal with any unforeseen delays that arise without inconveniencing the Court.

Document Production Agreement

On pages 7 and 8 we adjusted the limitations on custodians. Our proposal allows the receiving party to seek production from five custodians from each producing party with the option of seeking production from another three custodians in the event the requesting party believes in good faith that such additional custodians are necessary. The receiving party must go to the court to seek discovery from more than eight custodians per producing party.

The cost shifting provision will apply if the receiving party seeks production from more than ten custodians from any one producing party. This change makes the cost-shifting provision party-specific. It also ensures that no party will harass another party of unnecessarily seek excessive custodial information.

On page 9, we reverted to the language previously included in regarding to PDAs, voicemails, and instant messages. We believe that the language you had proposed was both confusing and overbroad.

Best,
Meg

Margaret P. Kammerud
Quinn Emanuel Urquhart & Sullivan, LLP

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

I/P ENGINE, INC.,

Plaintiff,

v.

AOL, INC., GOOGLE INC., IAC SEARCH &
MEDIA, INC., GANNETT COMPANY,
INC., and TARGET CORPORATION,

Defendants.

No. 2:11-cv-00512-RAJ-FBS

[Proposed] Stipulation Regarding the Format of Document Productions

This Stipulation Regarding the Format of Document Productions shall govern the parties in the above-captioned case (the “Litigation”).

I. GENERAL PROVISIONS

A. The parties will make reasonable efforts to prepare responsive and nonprivileged data for production in accordance with the agreed-upon specifications set forth below. These specifications apply to hard copy documents or electronically stored information (“ESI”) which are to be produced in the first instance in this litigation.

B. SECURITY Both parties will make reasonable efforts to ensure that any productions made are free from viruses and provided on encrypted media for submission.

C. CONFIDENTIALITY DESIGNATION. Responsive documents in TIFF format will be stamped with the appropriate confidentiality designations in accordance with the

Protective Order in this matter. Each responsive document produced in native format will have its confidentiality designation identified in the filename of the native file.

D. NON-STANDARD FILES. The format of production of non-standard electronic files, large oversized documents, etc. will be discussed before production to determine the optimal production format.

E. PRODUCTION MEDIA. Documents shall be produced on external hard drives, readily accessible computer(s) or electronic media (“Production Media”). Each piece of production media shall identify: (1) the producing party’s name; (2) the production date; and (3) the Bates Number range of the materials contained on the Production Media.

II. DATA PROCESSING

A. KEYWORD SEARCHING To the extent that keywords are used in limiting the universe of potentially responsive documents to be reviewed, the parties shall meet and confer to try to develop a mutually agreeable list of search terms and protocols prior to the production of documents.

B. CULLING\FILTERING Each party will use its best efforts to filter out common system files and application executable files such as by using a commercially reasonable hash identification process and the hash values located in the National Software Reference Library (“NSRL”) NIST hash set list.

C. DEDUPLICATION A party is only required to produce a single copy of a responsive document and a party may de-duplicate responsive ESI across Custodians. A party may also de-duplicate “near-duplicate” email threads as follows: In an email thread, only the final-in-time document need be produced, assuming that all previous emails in the thread are contained within the final message. Where a prior email contains

an attachment, that email and attachment shall not be removed as a “near-duplicate.” In an email thread, the parent/child relationship between communications shall be preserved and the attachments shall follow the email thread.

III. PRODUCTION OF HARD COPY DOCUMENTS

A. TIFFs. Documents that exist in hard copy format only shall be scanned and produced as TIFFs, with at least 300 dots per inch (dpi). Each TIFF image shall be named according to the corresponding bates number associated with the document. Each image shall be branded according to the bates number and agreed upon confidentiality designation. TIFFs shall show all text and images that would be visible to a user of the hard copy documents.

B. OCR TEXT FILES. A commercially acceptable technology for optical character recognition “OCR” shall be used for all scanned, hard copy documents. OCR text shall be provided as a single text file for each document, and the filename itself should match its respective TIFF filename. The text files will not contain the redacted portions of the documents.

C. DATABASE LOAD FILES/CROSS-REFERENCE FILES. Documents should be provided with (a) an ASCII delimited data file (.txt, .dat, or .csv), and (b) an image load file that can be loaded into commercially acceptable production software (e.g., Concordance, Summation). Each TIFF in a production must be referenced in the corresponding image load file. The total number of documents referenced in a production’s data load file should match the total number of designated document breaks in the Image Load file(s) in the production.

D. CODING FIELDS. The following information shall be produced in the delimited data file accompanying hard copy documents: (a) BEGBATES, (b) ENDBATES, (c) CUSTODIAN, (d) CONFIDENTIALITY, and (e) REDACTED.

E. BATES NUMBERING. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets.

F. UNITIZING OF DOCUMENTS. In scanning paper documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (*i.e.*, paper documents should be logically unitized). The parties will use reasonable efforts to unitize documents correctly.

G. IDENTIFICATION OF PAPER DOCUMENTS. The parties will utilize best efforts to ensure that paper records for a particular Custodian that are included in a single production are produced in consecutive Bates stamp order. The parties will identify which documents in a production are scanned paper documents either in the cover letter accompanying the production or in a coding field titled "Paper (Y/N)."

IV. PRODUCTION OF ELECTRONICALLY STORED INFORMATION

A. METADATA FIELDS AND PROCESSING. Each of the metadata and coding fields set forth in Appendix 1 that can be extracted shall be produced for that document. The parties are not obligated to populate manually any of the fields in Appendix 1 if such fields cannot be extracted from a document, with the exception of the following: (a) BEGBATES, (b) ENDBATES, (c) BEGATTACH, (d) ENDATTACH; (e) CUSTODIAN, (f) CONFIDENTIALITY, and (g) REDACTED, which should be populated by the party or the party's vendor. The parties will make reasonable efforts to ensure that metadata fields automatically extracted from the documents are correct,

however, the parties acknowledge that such metadata may not always be accurate and might instead contain irrelevant or incorrect information generated during the collection process. Parties may request other native files be produced as described in Section IV.I. below.

B. TIFFs. Each TIFF image file should be one page and named according to the unique bates number, followed by the extension “.TIF”. Original document orientation should be maintained (i.e., portrait to portrait and landscape to landscape).

C. TEXT FILES. For each document, a text file should be provided along with the image files and metadata. The text of native files should be extracted directly from the native file. However, if a document has been redacted or does not contain extractable text, OCR of the redacted document will suffice in lieu of extracted text.

D. DATABASE LOAD FILES/CROSS-REFERENCE FILES. (a) an ASCII delimited data file (.txt, .dat, or .csv), and (b) an image load file that can be loaded into commercially acceptable production software (e.g., Concordance, Summation).

E. BATES NUMBERING. All images must be assigned a unique Bates number that is sequential within a given document and across the production sets.

F. PRESENTATIONS. The parties shall take reasonable efforts to process presentations (MS PowerPoint, Google Presently/Punch) with hidden slides and speaker’s notes unhidden, and to show both the slide and the speaker’s notes on the TIFF image.

G. SPREADSHEETS. TIFF images of spreadsheets need not be produced unless redacted, in which instance, spreadsheets will be produced in TIFF with OCR. Native copies of spreadsheets should be produced with a link in the NativeLink field, along with

extracted text and applicable metadata fields set forth in Appendix 1. A TIFF placeholder indicating the document was provided in native format should accompany the database record. If a spreadsheet has been redacted, TIFF images and OCR of the redacted document will suffice in lieu of a native file and extracted text. The parties will make reasonable efforts to ensure that any spreadsheets that are produced only as TIFF images are formatted so as to be readable.

H. PROPRIETARY FILES. To the extent a response to discovery requires production of ESI accessible only through proprietary software, the parties should continue to preserve each version of such information. The parties shall meet and confer to finalize the appropriate production format.

I. REQUEST(S) FOR ADDITIONAL NATIVE FILES. If good cause exists to request production of specified files, other than those specifically set forth above, in native format, the party may request such production and provide an explanation of the need for native file review, which request shall not unreasonably be denied. Any native files that are produced should be produced with a link in the NativeLink field, along with all extracted text and applicable metadata fields.

J. REDACTION OF INFORMATION If documents are produced containing redacted information, the producing party shall supply a list of the documents for any such claim(s) of privilege, indicating the grounds for the redaction and the nature of the redacted material (e.g., privilege, trade secret, privacy).

v. PROCESSING OF THIRD-PARTY DOCUMENTS

A. A party that issues a non-party subpoena (“Issuing Party”) shall include a copy of this Stipulation with the subpoena and state that the parties to the litigation have requested

that third-parties produce documents in accordance with the specifications set forth herein.

B. The Issuing Party shall produce any documents obtained pursuant to a non-party subpoena to the opposing party.

C. If the non-party production is not Bates-stamped, the Issuing Party will endorse the non-party production with unique prefixes and Bates numbers prior to producing them to the opposing party.

D. Nothing in this stipulation is intended to or should be interpreted as narrowing, expanding, or otherwise affecting the rights of the parties or third-parties to object to a subpoena.

VI. SEARCHING

A. Initial Production. The parties will initially produce documents as specified in the Stipulation of November 7, 2011.

B. Custodial Production. Thereafter, the parties shall meet and confer to develop a list of custodians and search terms with which the parties will conduct electronic searches using such agreed search term lists of custodial documents.

[Plaintiff's proposal: delete the rest of this section]

[Plaintiff's compromise proposal, which shall be withdrawn if not accepted by 6 pm ET on Friday, December 17:

Plaintiff shall limit its initial request for custodial production as shown below.

Party Number of custodians

Plaintiff 10

Google 10

AOL 8

IAC 7

Gannett 5

Target 5

In the event that a requesting party reasonably believes in good faith that productions from additional custodians are necessary, the parties may jointly agree to modify these limits by no more than 5 additional custodians per producing party. In the event the requesting party seeks additional custodial production than as provided herein, the requesting party may petition the Court for additional custodians, upon a showing of a distinct need.]

[Defendants' Proposal: Each requesting party shall limit its request for custodial production to a total of five custodians per producing party. In the event that the requesting party believes in good faith additional custodians are necessary, the parties may jointly agree to modify this limit to eight custodians per producing party. In the event the requesting party seeks custodial production from more than eight custodians per producing party, the requesting party may petition the Court for additional custodians, upon a showing of a distinct need.] Search terms will be employed for the searching of

custodial data. The total search terms will be narrowly tailored to particular issues and limited to twenty terms (or as otherwise modified by agreement by the Parties). A conjunctive combination of multiple words or phrases (e.g., "computer" and "system") narrows the search and shall count as a single search term. A disjunctive combination of multiple words or phrases (e.g., "computer" or "system") broadens the search, and thus shall count as a separate search term unless they are variants of the same word.

[Plaintiff's compromise proposal, which shall be withdrawn if not accepted by 6 pm ET on Friday, December 17:

Should a party seek custodial production requests for more than as provided in this paragraph, or search term lists beyond the limits agreed to by the Parties or granted by the Court pursuant to this paragraph, the producing party may request that the Court order the requesting party to bear all reasonable costs caused by such additional discovery, and the requesting party may oppose that request.] [Should Plaintiff agree to our proposal on custodians, we would agree to Plaintiff's proposal on costs]

~~[Defendants' Proposal: Should a party seek custodial production requests for more than 10 custodians for any producing party, or search term lists beyond the limits agreed to by the Parties or granted by the Court pursuant to this paragraph, the requesting party shall bear all reasonable costs caused by such additional discovery.]—~~

C. Locations That Will Be Searched for Responsive Documents. The parties will search any electronic files or folders, or other parts of media, including any internal and external hard drives and other ESI venues (including, but not limited to, recordable optical media, media cards, thumb drives, non-volatile memory, floppy disks, work desktop and laptop computers, email servers, intranet servers, network shares, public data shares and/or database servers) for each identified Custodian that the Custodian reasonably anticipates may contain non-duplicative Responsive Documents.

The parties agree to search central repositories, including central databases, or relevant portions thereof to the extent that the party reasonably anticipates they contain non-duplicative Responsive Documents. The parties agree to meet and confer to limit the scope of production from central repositories if the search of central repositories (or

relevant portions thereof) that the producing party anticipates contain Responsive Documents is unduly burdensome or is likely to be unreasonably inefficient in identifying relevant documents. Specifically, the parties recognize that certain repositories, by their nature, may not effectively or reasonably be searched using electronic search strings, and the parties agree to notify each other of any such repositories that contain Responsive Documents. The parties will then meet and confer to discuss the collection of Responsive Documents from such repositories, including potentially using other effective collection methodologies.

D. Locations That Will Not Be Searched for Responsive Documents. Each party shall comply with their obligations to preserve, search for, and produce Responsive Documents.

~~[Plaintiff's proposal: delete defendants' highlighted language]~~

[Plaintiff's compromise proposal, which shall be withdrawn if not accepted by 6 pm ET on Friday, December 17:

The following locations need not be searched and need not be preserved other than in the normal course of business: information stored on personal digital assistants, personal mobile phones, personal voicemail systems, and automated disaster recovery backup systems and/or disaster recovery backup tapes. No party has an obligation to preserve corporate voicemails or corporate instant messages created after September 17, 2011. If a requesting party has a reasonable basis for seeking production of Responsive Documents from corporate voicemail systems or corporate instant messaging systems created prior to September 17, 2011, then the parties shall meet and confer regarding the implementation of that request.

~~[Defendants' proposal: The following locations need not be searched and need not be preserved other than in the normal course of business: information stored on personal digital assistants, personal mobile phones, personal voicemail systems, instant messaging systems, instant messaging systems, and automated disaster recovery backup systems and/or disaster recovery backup tapes.]~~

Notwithstanding the foregoing, the parties agree that Responsive Documents that a Custodian indicates are stored on an archival storage medium that the Custodian can readily identify and locate, that cannot be located in any other repository of information, and that can reasonably be searched, will be searched. In addition, nothing in this paragraph shall limit a receiving party's right to request from a producing party more information about the nature of and burden associated with obtaining documents from a particular location. The parties further recognize their obligations to preserve any potentially relevant sources of data, whether live or in archival form, for purposes of this litigation.

E. Source Code. To the extent relevant to the Litigation, source code will be made available for inspection pursuant to the terms of the Protective Order. The parties agree that the search terms will not be applied to source code.

VII. MISCELLANEOUS PROVISIONS

A. Objections Preserved. Nothing in this protocol shall be interpreted to require disclosure of irrelevant information or relevant information protected by the attorney-client privilege, work-product doctrine, or any other applicable privilege or immunity. The parties do not waive any objections as to the production, discoverability, admissibility, or confidentiality of documents and ESI.

B. No Effect on Cost Shifting. Nothing in this Agreement shall affect, in any way, a producing party's right to seek reimbursement for costs associated with collection, review, and/or production of documents or ESI.

C. No Waiver. Pursuant to Federal Rule of Evidence 502(d), the inadvertent production of a privileged or work product protected ESI is not a waiver in the pending case or in any other federal or state proceeding. Moreover, the mere production of ESI in a litigation as part of a mass production shall not itself constitute a waiver for any purpose.

Appendix 1: ESI Metadata and Coding Fields

A. Image Load File shall contain the following comma-delimited fields:
 BEGBATES, VOLUME, IMAGE FILE PATH, DOCUMENT BREAK, FOLDER
 BREAK, BOX BREAK, PAGE COUNT

B. Metadata Load File shall be delimited according to the following characters:
 o Delimiter = D(ASCII:0020)
 o Text-Qualifier = þ (ASCII:00254)

C. The following fields will appear in the metadata load file in the order displayed below:

Field Name	Field Description
BEGBATES	Beginning Bates number as stamped on the production image
ENDBATES	Ending Bates number as stamped on the production image
BEGATTACH	First production Bates number of the first document in a family
ENDATTACH	Last production Bates number of the last document in a family
CUSTODIAN	Individual from whom the documents originated
NATIVELINK	Native File Link (Excel files only)
SUBJECT	Subject line of email
DATESENT	Date email was sent (format: MM/DD/YYYY)
TIMESENT	Time email was sent
TO	All recipients that were included on the “To” line of the email
FROM	The name and email address of the sender of the email
CC	All recipients that were included on the “CC” line of the email
BCC	All recipients that were included on the “BCC” line of the email
AUTHOR	Any value populated in the Author field of the document properties
FILENAME(Edoc only)	Filename of an electronic document
DATEMOD (Edoc only)	Date an electronic document was last modified (format: MM/DD/YYYY)
DATECREATED (Edoc only)	Date the document was created (format: MM/DD/YYYY)

Document comparison by Workshare Professional on Thursday, December 15, 2011
4:00:09 PM

Input:	
Document 1 ID	file://C:/Documents and Settings/janepratt/Desktop/DAP 12.15/DSMDB-#3009743-v1-DS_redline_to_QE_12_7_ESI_plan.DOC
Description	DSMDB-#3009743-v1-DS_redline_to_QE_12_7_ESI_plan
Document 2 ID	file://C:/Documents and Settings/janepratt/Desktop/DAP 12.15/4510860 Stip.DOC
Description	4510860 Stip
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	2
Deletions	5
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	7