

# EXHIBIT V

## Emily O'Brien

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**From:** Emily O'Brien  
**Sent:** Thursday, March 15, 2012 4:20 PM  
**To:** Monterio, Charles  
**Cc:** QE-IP Engine; zz-IP Engine; senoona@kaufcan.com  
**Subject:** I/P Engine v. AOL et. al. 3-14-12 Letter from C. Monterio to E. O'Brien

Charles,

I received your voicemail indicating that you were checking to see if supplementation of the infringement contentions by March 23 would work for Plaintiff. However, in your voicemail, you do not mention whether Plaintiff's supplementation would resolve all of the issues raised by Defendants, per my earlier email. As requested in my prior emails, please confirm tonight—in writing—that Plaintiff will supplement its infringement contentions to respond to all issues previously raised by Defendants by March 23, 2012.

In response to your question, we are not in a position to agree to any stipulation regarding non-Google defendants at this time.

Thank you,  
Emily

**Emily O'Brien**  
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**From:** Emily O'Brien  
**Sent:** Thursday, March 15, 2012 10:59 AM  
**To:** 'Monterio, Charles'  
**Cc:** zz-IP Engine; QE-IP Engine; senoona@kaufcan.com  
**Subject:** RE: I/P Engine v. AOL et. al. 3-14-12 Letter from C. Monterio to E. O'Brien

Charles,

Despite Defendants' repeated requests, your letter of March 14 was the first time that I/P Engine suggested that it would supplement its contentions. If Plaintiff will confirm today that 1) it will supplement its infringement contentions by Friday, March 23 and 2) that this supplementation would address the issues raised by Defendants and outlined in our letters of February 27, March 2, and March 7, and discussed during the meet and confer of March 1, 2012, we will not move to compel. We reject your attempt to once again tie Plaintiff's supplementation of its infringement contentions to other issues.

As to your inquiry regarding Google's supplementation of its non-infringement contentions, Google presently intends to supplement its interrogatory response regarding its non-infringement contentions, based on the incomplete infringement contentions we have received to date, by Friday, March 30.

Thank you,  
Emily

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**From:** Monterio, Charles [mailto:MonterioC@dicksteinshapiro.com]  
**Sent:** Thursday, March 15, 2012 7:30 AM  
**To:** Emily O'Brien  
**Cc:** zz-IP Engine; QE-IP Engine; senoona@kaufcan.com  
**Subject:** RE: I/P Engine v. AOL et. al. 3-14-12 Letter from C. Monterio to E. O'Brien

Emily,

During the March 13, 2012 meet and confer, we discussed the parties' views on supplementation. In sum, we stated that I/P Engine believed that supplementation was appropriate in view of the ongoing discovery in this case. We also stated that we wanted to understand defendants' recently proposed language in Meg's March 7, 2012 email related to the language concerning supplementation of contentions that could be interpreted to act as a form of cutoff. One of our concerns mentioned was that we were surprised by the language because defendants had previously rejected a firm deadline for supplementation. Thus, we sought clarification of ambiguities in defendants' proposal, which you promised but have not provided.

With respect to I/P Engine's supplemental infringement contentions, our position has been consistent. In November 2011, I/P Engine served upon defendants its preliminary infringement contentions based upon publicly-available documents. In February 2012, I/P Engine supplemented those infringement contentions based upon its initial review of the incomplete production of certain technical documents. Since that time, defendants continue to produce additional documents, and I/P Engine continues to review those documents. In addition, no depositions have been taken.

As for Google's threatened motion to compel, we believe that such a motion is both futile and moot. I/P Engine's supplemental contentions of February 17, 2012, were based on Google's incomplete document production. As Google supplements its production and produces witnesses, I/P Engine will timely supplement its infringement contentions.

With respect to your demand for a date certain for the date of supplementation, we note that Google regularly has refused to agree to specific dates for its discovery obligations. Nevertheless, we are agreeable to setting mutually agreeable dates for the supplementation of infringement contentions and non-infringement contentions.

**Charles J. Monterio, Jr.**

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**From:** Emily O'Brien [mailto:emilyobrien@quinnemanuel.com]  
**Sent:** Wednesday, March 14, 2012 8:05 PM  
**To:** Monterio, Charles

**Cc:** zz-IPEngine; QE-IP Engine; senoona@kaufcan.com

**Subject:** RE: I/P Engine v. AOL et. al. 3-14-12 Letter from C. Monterio to E. O'Brien

Charles, you mischaracterize yesterday's call. You never stated that Plaintiff would be supplementing its infringement contentions. You also never stated Plaintiff was retracting its previously articulated position that it would stand on its current contentions.

Our position as to what is needed to resolve the dispute has been clear. Plaintiff cannot delay resolution of this very real dispute with vague assurances and statements. Specifically, your letter still does not provide any date certain for supplementation. Nor does it confirm that any supplementation—whenever and if it would occur—would address the issues raised by Defendants and outlined in our letters of February 27, March 2, and March 7, and discussed during the meet and confer of March 1, 2012.

Absent confirmation by close of business tomorrow of a date certain for supplementation in the near future and that Plaintiff's supplementation will address all these issues, we will proceed with our motion to compel.

Thank you,  
Emily

**Emily O'Brien**

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**From:** Chagnon, Armands [mailto:ChagnonA@DicksteinShapiro.COM]

**Sent:** Wednesday, March 14, 2012 1:57 PM

**To:** QE-IP Engine; senoona@kaufcan.com

**Cc:** zz-IPEngine

**Subject:** I/P Engine v. AOL et. al. 3-14-12 Letter from C. Monterio to E. O'Brien

Counsel,

Please see the attached correspondence.

Regards,  
Armands

**Armands Chagnon | Senior Paralegal**

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