

# EXHIBIT D

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

I/P ENGINE, INC.,	)	
	)	
Plaintiff,	)	
v.	)	Civ. Action No. 2:11-cv-512
	)	
AOL, INC. et al.,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF I/P ENGINE, INC.’S RESPONSES AND OBJECTIONS  
TO DEFENDANT GOOGLE, INC.’S THIRD SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, I/P Engine, Inc. (“I/P Engine”) hereby objects and responds to Google, Inc.’s (“Google”) Third Set of Interrogatories (“Interrogatories”). These responses are based on information reasonably available to I/P Engine at the present time. I/P Engine reserves the right to supplement these responses when, and if, additional information becomes available. I/P Engine also reserves the right to object on any ground at any time to such other or supplemental interrogatories Google may propound involving or relating to the subject matter of these Interrogatories.

**GENERAL OBJECTIONS**

1. I/P Engine incorporates each of the general objections included in its Responses and Objections to Defendant Google, Inc.’s First Set of Interrogatories and Second Set of Interrogatories as if fully recited herein.

2. I/P Engine objects to the Interrogatories to the extent they purport to impose upon I/P Engine obligations exceeding those set forth in the Federal Rules of Civil Procedure, the Local Rules of the Court and applicable case law.

3. I/P Engine objects to Google's definition of "'664 Patent" because the phrase "all underlying patent applications, all continuations, continuations, continuations-in-part, divisionals, reissues, and any other patent applications in the '664 patent family" is overly broad and unduly burdensome as the phrase purports to include more than the claimed invention of U.S. Patent No. 6,775,664. In responding to these Interrogatories, I/P Engine will limit its responses to the claims of U.S. Patent No. 6,775,664 identified as asserted claims in either I/P Engine's Preliminary Disclosure of Asserted Claims and Pre-Discovery Infringement Contentions, dated November 7, 2011 or November 11, 2011 respectively, or I/P Engine's Second Preliminary Disclosure of Asserted Claims and Infringement Contentions, dated February 17, 2012.

4. I/P Engine objects to Google's definition of "'420 Patent" because the phrase "all underlying patent applications, all continuations, continuations, continuations-in-part, divisionals, reissues, and any other patent applications in the '664 patent family" is overly broad and unduly burdensome as the phrase purports to include more than the claimed invention of U.S. Patent No. 6,314,420. In responding to these Interrogatories, I/P Engine will limit its responses to the claims of U.S. Patent No. 6,314,420 identified as asserted claims in either I/P Engine's Preliminary Disclosure of Asserted Claims and Pre-Discovery Infringement Contentions, dated November 7, 2011 or November 11, 2011 respectively, or I/P Engine's Second Preliminary Disclosure of Asserted Claims and Infringement Contentions, dated February 17, 2012.

5. I/P Engine objects to Google definition of "Prior Art" as overly broad to the extent that it includes "publications, patents, physical devices, prototypes, uses, sales, and offers for sale, and any DOCUMENTS or OTHER ITEMS evidencing any of the foregoing" not cited in Google's response to I/P Engine's Interrogatory No. 8.

6. I/P Engine objects to Google's definition of "Asserted Claim" as overly broad to the extent that it includes more than the claims identified as asserted claims in either I/P Engine's Preliminary Disclosure of Asserted Claims and Pre-Discovery Infringement Contentions, dated November 7, 2011 or November 11, 2011 respectively, or I/P Engine's Second Preliminary Disclosure of Asserted Claims and Infringement Contentions, dated February 17, 2012.

### **RESPONSES AND SPECIFIC OBJECTIONS**

Statements made herein regarding I/P Engine's intention to provide information or documents responsive to any given Interrogatory do not necessarily indicate or imply the existence of any information or documents responsive thereto. Furthermore, any information provided or referred to herein is not deemed to be a waiver of I/P Engine's objections as to the authenticity, competency, relevancy, materiality, privilege or admissibility of evidence in this or any subsequent proceeding or trial in this or any other action for any purpose whatsoever. In addition, I/P Engine reserves the right to supplement or amend its responses to the Interrogatories based upon information, documents, and things it receives during discovery or obtains upon further investigation.

Discovery and trial preparation in this matter have not been completed. I/P Engine is continuing its investigation to obtain information responsive to the Interrogatories. Therefore, all responses will be given without prejudice to I/P Engine's right to introduce documents or information discovered or deemed responsive subsequent to the date of these responses.

In gathering relevant and responsive information, I/P Engine has interpreted the Interrogatories utilizing ordinary meanings of words and has expended reasonable efforts to identify information that appears responsive. To the extent that the Interrogatories purport to seek information other than as so interpreted, I/P Engine objects on the ground that the Interrogatories are vague, ambiguous and overbroad.

I/P Engine's response to the Interrogatories is without waiver or limitation of I/P Engine's right to object on the grounds of authenticity, competency, relevancy, materiality, privilege, admissibility as evidence for any purpose, or any other grounds to the use of any documents or information in any subsequent proceeding in, or the trial of, this or any other action.

I/P Engine's production, if any, of third party documents related to this litigation does not waive or limit I/P Engine's, or any other party's, right to object on the grounds of authenticity, competency, relevancy, materiality, privilege, admissibility as evidence for any purpose, or any other grounds to the use of any documents or information in any subsequent proceeding in, or the trial of, this or any other action. I/P Engine's producing of such documents also does not constitute an admission or representation that the information contained within the documents is known or reasonably available to I/P Engine. Additionally, I/P Engine does not have a legal right to obtain or demand further documents from any third party, or have an established relationship with any third party.

I/P Engine incorporates all of its Objections to Definitions and Instructions set forth above and in its Responses and Objections to Defendant Google, Inc.'s First Set of Interrogatories and Second Set of Interrogatories.

## **INTERROGATORIES**

### **INTERROGATORY NO. 13:**

IDENTIFY each element of each ASSERTED CLAIM that YOU contend is not disclosed in each of the PRIOR ART references cited by GOOGLE in its supplementary response to Plaintiff's Interrogatory No. 8, served on February 13, 2012 (and any later supplementation or amendments thereto), and set forth in specific detail each fact, opinion, argument, inference, and DOCUMENT that supports YOUR contention (including the name,

address, and telephone number of each PERSON who has firsthand knowledge or possession of each such fact, opinion, and DOCUMENT).

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine further objects to this Interrogatory to the extent that it seeks a legal conclusion or information not in I/P Engine's possession, custody or control. I/P Engine further objects to this Interrogatory as premature to the extent that it seeks expert opinion evidence or I/P Engine's claim construction positions, which will be provided in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, or the Court's scheduling orders, or any other than I/P Engine's present contentions, which are subject to development as discovery proceeds. I/P Engine further objects to this Interrogatory as unduly burdensome and inappropriate to the extent that it is Defendants' burden to plead and prove invalidity by clear and convincing evidence including establishing any motivation to combine references. I/P Engine further objects to this Interrogatory as it has multiple, unrelated subparts whereby Google is attempting to exceed the interrogatory limit set by the Federal Rules of Civil Procedure and this Court. "Defendants may not seek, in a single interrogatory, specific responses for every piece of prior art." *Orion IP, LLC v. Staples, Inc., et al.*, No. 2:04-CV-00297, D.I. 171 at 1-2 (E.D. Tex. July 7, 2005) ("While Defendants may seek, in separate interrogatories, specific responses regarding specific pieces of prior art, or may seek, in a single interrogatory, a general response regarding all identified prior art, Defendants may not seek, in a single interrogatory, specific responses for every piece of prior art. Such an interrogatory would burden the Plaintiff

and dramatically expand the number of interrogatories.”). Responding to this Interrogatory as drafted would exceed the permitted number of Interrogatories.

Subject to and without waiving the foregoing objections, I/P Engine responds:

I/P Engine provides its present contentions. I/P Engine’s contentions will be further informed through discovery and expert analysis and therefore will be supplemented as necessary during ongoing discovery. I/P Engine’s contentions are limited to addressing the references that Defendants have provided contentions for in Defendants’ Preliminary Invalidity Contentions.

The ‘420 Patent and ‘664 Patent are presumed valid. Additionally, the ‘420 Patent and ‘664 Patent are patentably distinct from the references described in Defendants’ Preliminary Invalidity Contentions for many reasons.

U.S. Patent No. 6,202,058 to Rose (“Rose”)

The ‘420 Patent is patentably distinct from Rose for many reasons. For example, Rose does not disclose a “demand search” as recited in claims 10 and 25. The on-line text retrieval service mentioned in Rose (cited by Defendants as meeting this element) is not a “demand search” as it is not a one-shot search. *See* Rose at 2:51-55. Nor does Rose disclose a “search for informons relevant to a query from an individual user” as recited in claims 10 and 25. In Rose, the on-line text retrieval service (cited by Defendants as meeting this element) does not search for items that are relevant to a query received from a user. *Id.* Further, Rose does not disclose “filtering the informons . . . for relevance to the query” as recited in claims 10 and 25. The Rose ranking described in the Abstract and col. 6, ll. 5-11 (cited by Defendants as meeting this element) ranks items based on how well their content matches a profile of interests stored for each user, not a query received from an individual user. *See, e.g.,* Rose at Abstract. Moreover, Rose does not disclose “combining pertaining feedback data . . . with the content profile data in

filtering each informon for relevance to the query” as recited in claims 10 and 25. Rose’s ranking does not filter items for relevance to a query. The Rose ranking described in the Abstract and col. 6, ll. 5-11 (cited by Defendants as meeting this element) ranks items based on how well their content matches a profile of interests stored for each user, not a query received from an individual user. *See, e.g.*, Rose at Abstract. Further, the feedback in Rose is an indication of interest in each document retrieved from the system. *See, e.g.*, Rose at 2:46-50. Because Rose does not disclose all of the limitations of claims 10 and 25, Rose cannot disclose all of the limitations recited by claims 14, 15, 27, and 28

The ‘664 Patent is patentably distinct from Rose for many reasons. For example, Rose does not disclose “searching for information relevant to a query associated with a first user” as recited in claims 1 and 26. The on-line text retrieval service described in Rose (cited by Defendants as meeting this element) does not search for items that are relevant to a query associated with a first user. *See* Rose at 2:51-55. Rose also does not disclose “receiving information found to be relevant to the query by other users” as recited in claims 1 and 26. Rose’s feedback is an indication of interest in each document retrieved from the system. *See, e.g.*, Rose at 2:46-50. Furthermore, Rose does not disclose “combining the information from the feedback system with the information from the scanning system and . . . filtering the combined information for relevance to at least one of the query and the first user” or “combining the information found to be relevant to the query by other users with the searched information [and] . . . filtering the combined information for relevance to at least one of the query and the first user” as recited in claims 1 and 26, respectively. Since Rose does not disclose the two component parts (as described above), it consequently fails to disclose combining those two



components of information. Because Rose does not disclose all of the limitations of claims 1 and 26, Rose cannot disclose all of the limitations recited by claims 5, 6, 21, 22, 28 and 38.

U.S. Patent No. 5,835,087 to Herz et al. (“Herz”)

The ‘420 Patent is patentably distinct from Herz for many reasons. For example, Herz does not disclose a “demand search” as recited in claims 10 and 25. The “target profile interest summary,” “search profile set,” and “search profiles” in Herz (cited by Defendants as meeting this element) are not “demand searches” as they are not one-shot searches. *See, e.g.*, Herz at 6:42-58. Moreover, Herz does not disclose a “search for informons relevant to a query from an individual user” as recited in claims 10 and 25. The “target profile interest summary,” “search profile set,” and “search profiles” in Herz (cited by Defendants as meeting this element) do not search for items that are relevant to a query received from a user. *Id.* Herz also does not disclose “filtering the informons . . . for relevance to the query” as recited in claims 10 and 25. The Herz ranking described in the Abstract (cited by Defendants as meeting this element) states that the system ranks items after it “automatically constructs . . . a ‘target profile interest summary’ for each user . . . [and] evaluates the target profiles against the users’ target profile interest summaries.” This ranking does not filter items for relevance to a query received from an individual user. *See, e.g.*, Herz at Abstract. Additionally, Herz does not disclose “combining pertaining feedback data . . . with the content profile data in filtering each informon for relevance to the query” as recited in claims 10 and 25. The Herz ranking does not filter items for relevance to a query, as discussed above. Further, the feedback in Herz is an indication of how well a user liked an item. *See, e.g.*, Herz at 19:9-14. Moreover, Herz does not “combine” the features that Defendants allege meet each of the “feedback data” and the “content profile data,” because the cited features relate to different portions and embodiments of the disclosed systems. Because

Herz does not disclose all of the limitations of claims 10 and 25, Herz cannot disclose all of the limitations recited by claims 14, 15, 27, and 28.

The '664 Patent is patentably distinct from Herz for many reasons. For example, Herz does not disclose “searching for information relevant to a query associated with a first user.” The “target profile interest summary,” “search profile set,” and “search profiles” in Herz (cited by Defendants as meeting this element) do not search for items that are relevant to a query associated with a user. *See, e.g.*, Herz at 6:42-58. Nor does Herz disclose “receiving information found to be relevant to the query by other users.” Herz’s feedback is an indication of how well a user liked an item. *See, e.g.*, Herz at 19:9-14. Further, Herz does not disclose “combining the information from the feedback system with the information from the scanning system and . . . filtering the combined information for relevance to at least one of the query and the first user” or “combining the information found to be relevant to the query by other users with the searched information [and] . . . filtering the combined information for relevance to at least one of the query and the first user” as recited in claims 1 and 26, respectively. Because Herz does not disclose the two component parts (as described above), it consequently fails to disclose combining those two components of information. Moreover, Herz does not “combine” the features that Defendants allege meet each of the two components because the cited features are related to separate portions and/or embodiments of the disclosed systems. Because Herz does not disclose all of the limitations of claims 1 and 26, Herz cannot disclose all of the limitations recited by claims 5, 6, 21, 22, 28 and 38.

Lashkari, “Feature Guided Automated Collaborative Filtering,” MIT Masters Thesis (September 1995) (“Lashkari”)

The ‘420 Patent is patentably distinct from Lashkari for many reasons. For example, Lashkari does not disclose “filtering the informons . . . for relevance to the query” as recited in claims 10 and 25. The Lashkari Feature Guided Automated Collaborative Filtering system (cited by Defendants as meeting this element) filters items using feedback that is related to features of an item. Additionally, Lashkari does not disclose “combining pertaining feedback data . . . with the content profile data in filtering each informon for relevance to the query” as recited in claims 10 and 25. The Lashkari ranking does not filter items for relevance to a query, as discussed above. Further, the feedback in Lashkari is a rating of a document (for example, on a seven point scale) and represents the “interestingness” of a particular document to a user. *See, e.g.,* Lashkari at 57. Because Lashkari does not disclose all of the limitations of claims 10 and 25, Lashkari cannot disclose all of the limitations recited by claims 14, 15, 27, and 28.

The ‘664 Patent is patentably distinct from Lashkari for many reasons. For example, Lashkari does not disclose “searching for information relevant to a query associated with a first user.” The Lashkari Feature Guided Automated Collaborative Filtering system (cited by Defendants as meeting this element) filters items using feedback that is related to features of an item. Nor does Lashkari disclose “receiving information found to be relevant to the query by other users.” Lashkari’s feedback is a rating of a document (for example, on a seven point scale) and represents the “interestingness” of a particular document to a user. *See, e.g.,* Lashkari at 57. Further, Lashkari does not disclose “combining the information from the feedback system with the information from the scanning system and . . . filtering the combined information for relevance to at least one of the query and the first user” or “combining the information found to

be relevant to the query by other users with the searched information [and] . . . filtering the combined information for relevance to at least one of the query and the first user” as recited in claims 1 and 26, respectively. Because Lashkari does not disclose the two component parts (as described above), it consequently fails to disclose combining those two components of information. Moreover, Lashkari does not “combine” the features that Defendants allege meet each of the two components because the cited features are parts of different systems. Because Lashkari does not disclose all of the limitations of claims 1 and 26, Lashkari cannot disclose all of the limitations recited by claims 5, 6, 21, 22, 28 and 38.

Goldberg et al., “Using Collaborative Filtering to Weave an Information Tapestry (1992)  
(“Tapestry”)

The ‘420 Patent is patentably distinct from Tapestry for many reasons. For example, Tapestry does not disclose “filtering the informons . . . for relevance to the query” as recited in claims 10 and 25. Tapestry’s Appraiser (cited by Defendants as meeting this element) applies personalized classification to documents and prioritizes and categorizes documents. *See, e.g.*, Tapestry at 63. Additionally, Tapestry does not disclose “combining pertaining feedback data . . . with the content profile data in filtering each informon for relevance to the query” as recited in claims 10 and 25. The Tapestry Appraiser does not filter items for relevance to a query, as discussed above. Further, the feedback in Tapestry is described as annotations or “implicit feedback from users (e.g., some user sent a reply to the document).” *See, e.g.*, Tapestry at 62-63. Moreover, Tapestry does not “combine” the features that Defendants allege meet each of the “feedback data” and the “content profile data,” because the cited features relate to separate portions and/or embodiments of the disclosed systems. *See, e.g.*, Tapestry at 63; Figure 2.

Because Tapestry does not disclose all of the limitations of claims 10 and 25, Tapestry cannot disclose all of the limitations recited by claims 14, 15, 27, and 28.

The '664 Patent is patentably distinct from Tapestry for many reasons. For example, Tapestry does not disclose “receiving information found to be relevant to the query by other users.” Tapestry’s feedback is described as annotations or “implicit feedback from users (e.g., some user sent a reply to the document).” *See, e.g.*, Tapestry at 62-63. Further, Tapestry does not disclose “combining the information from the feedback system with the information from the scanning system and . . . filtering the combined information for relevance to at least one of the query and the first user” or “combining the information found to be relevant to the query by other users with the searched information [and] . . . filtering the combined information for relevance to at least one of the query and the first user” as recited in claims 1 and 26, respectively. Because Tapestry does not disclose the two component parts (as described above), it consequently fails to disclose combining those two components of information. Moreover, Tapestry does not “combine” the features that Defendants allege meet each of the two components because the cited features relate to separate portions and/or embodiments of the disclosed systems. *See, e.g.*, Tapestry at 63; Figure 2. Tapestry also does not disclose filtering items “for relevance to at least one of the query and the first user” as recited by claims 1 and 26. In Tapestry, the Filterer determines if a document matches the query, and places matching documents in the little box of the query’s owner, and the Appraiser categorizes items. Tapestry at 63. Because Tapestry does not disclose all of the limitations of claims 1 and 26, Tapestry cannot disclose all of the limitations recited by claims 5, 6, 21, 22, 28 and 38.

Balabanovic et al., “Fab: Content-Based Collaborative Recommendation,” Communications of the ACM (March 1997) (“Balabanovic”)

The ‘420 Patent is patentably distinct from Balabanovic for many reasons. For example, Balabanovic does not disclose a “demand search” as recited in claims 10 and 25. The queries constructed by “index agents” (cited by the Defendants as meeting this element) are not “demand searches” as they are not one-shot searches. *See, e.g.*, Balabanovic at 69-70. Moreover, Balabanovic does not disclose a “search for informons relevant to a query from an individual user” as recited in claims 10 and 25. The queries constructed by “index agents” in Balabanovic (cited by Defendants as meeting this element) do not search for items that are relevant to a query received from a user. *Id.* Balabanovic also does not disclose “filtering the informons . . . for relevance to the query” as recited in claims 10 and 25. The Balabanovic central router forwards pages found by the collection agents to users whose profiles the pages match above a threshold. Balabanovic at 69. Additionally, Balabanovic does not disclose “combining pertaining feedback data . . . with the content profile data in filtering each informon for relevance to the query” as recited in claims 10 and 25. The Balabanovic central router does not filter items for relevance to a query, as discussed above. Further, the feedback in Balabanovic is an indication of how well a user liked an item. *See, e.g.*, Balabanovic at 19:9-14. Moreover, Balabanovic does not “combine” the features that Defendants allege meet each of the “feedback data” and the “content profile data,” because the cited features relate to separate and distinct processes of the Balabanovic system. Because Balabanovic does not disclose all of the limitations of claims 10 and 25, Balabanovic cannot disclose all of the limitations recited by claims 14, 15, 27, and 28.

The ‘664 Patent is patentably distinct from Balabanovic for many reasons. For example, Balabanovic does not disclose “searching for information relevant to a query associated with a

first user.” The queries constructed by “index agents” in Balabanovic (cited by Defendants as meeting this element) do not search for items that are relevant to a query associated with a user. *See, e.g.*, Balabanovic at 62-63. Nor does Balabanovic disclose “receiving information found to be relevant to the query by other users.” Balabanovic’s feedback is an indication of how well a user liked an item. *See, e.g.*, Balabanovic at 69. Further, Balabanovic does not disclose “combining the information from the feedback system with the information from the scanning system and . . . filtering the combined information for relevance to at least one of the query and the first user” or “combining the information found to be relevant to the query by other users with the searched information [and] . . . filtering the combined information for relevance to at least one of the query and the first user” as recited in claims 1 and 26, respectively. Because Balabanovic does not disclose the two component parts (as described above), it consequently fails to disclose combining those two components of information. Moreover, Balabanovic does not “combine” the features that Defendants allege meet each of the two components because the cited features relate to separate portions and/or embodiments of the disclosed systems. Because Balabanovic does not disclose all of the limitations of claims 1 and 26, Balabanovic cannot disclose all of the limitations recited by claims 5, 6, 21, 22, 28 and 38.

Paul Resnick et al., “GroupLens: An Open Architecture for Collaborative Filtering of NetNews,” *Proceedings of ACM 1994 Conference on Computer Supported Cooperative Work*, Chapel Hill, NC: Pages 175-186 (“GroupLens”)

The ‘420 Patent is patentably distinct from GroupLens for many reasons. For example, GroupLens does not disclose “filtering the informons . . . for relevance to the query” as recited in claims 10 and 25. The GroupLens string search facilities, kill files, and Boolean operators (cited by Defendants as meeting this element) do not filter items for relevance to a query received from an individual user. *See, e.g.*, GroupLens at 2-3. Additionally, GroupLens does not disclose

“combining pertaining feedback data . . . with the content profile data in filtering each informon for relevance to the query” as recited in claims 10 and 25. The feedback in GroupLens is a rating of how well a user liked an item (1-5). *See, e.g.*, GroupLens at 7, 9. Moreover, GroupLens does not “combine” the features that Defendants allege meet each of the “feedback data” and the “content profile data,” because the cited features relate to completely different systems.

GroupLens is a collaborative system. Because GroupLens does not disclose all of the limitations of claims 10 and 25, GroupLens cannot disclose all of the limitations recited by claims 14, 15, 27, and 28.

The ‘664 Patent is patentably distinct from GroupLens for many reasons. For example, GroupLens does not disclose “receiving information found to be relevant to the query by other users.” GroupLens’s feedback is an indication of how well a user liked an item (1-5). *See, e.g.*, GroupLens at 7, 9. Further, GroupLens does not disclose “combining the information from the feedback system with the information from the scanning system and . . . filtering the combined information for relevance to at least one of the query and the first user” or “combining the information found to be relevant to the query by other users with the searched information [and] . . . filtering the combined information for relevance to at least one of the query and the first user” as recited in claims 1 and 26, respectively. Because GroupLens does not disclose the two component parts (as described above), it consequently fails to disclose combining those two components of information. Moreover, GroupLens does not “combine” the features that Defendants allege meet each of the two components because the cited features relate to completely different systems. GroupLens is a collaborative system. Because GroupLens does not disclose all of the limitations of claims 1 and 26, GroupLens cannot disclose all of the limitations recited by claims 5, 6, 21, 22, 28 and 38.



**INTERROGATORY NO. 14:**

Set forth in specific detail each fact, opinion, argument, inference, and DOCUMENT that supports YOUR contention, if YOU so contend, that the PATENTS-IN-SUIT are not anticipated or rendered obvious by the PRIOR ART references cited by Google in its supplementary response to Plaintiff's Interrogatory No. 8, served on February 13, 2012 (including any amendments or supplementation thereof), including the name, address and telephone number of each person who has firsthand knowledge or possession of each such fact, opinion, and DOCUMENT.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine further objects to this Interrogatory to the extent that it seeks a legal conclusion or information not in I/P Engine's possession, custody or control. I/P Engine further objects to this Interrogatory as premature to the extent that it seeks expert opinion evidence or I/P Engine's claim construction positions, which will be provided in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, or the Court's scheduling orders, or any other than I/P Engine's present contentions, which are subject to development as discovery proceeds. I/P Engine further objects to this Interrogatory as unduly burdensome to the extent that it is Defendants' burden to plead and prove invalidity by clear and convincing evidence including establishing any motivation to combine references. I/P Engine further objects to this Interrogatory as it has multiple, unrelated subparts whereby Google is attempting to exceed the interrogatory limit set by the Federal Rules of Civil Procedure and this Court.

“Defendants may not seek, in a single interrogatory, specific responses for every piece of prior art.” *Orion IP, LLC v. Staples, Inc., et al.*, No. 2:04-CV-00297, D.I. 171 at 1-2 (E.D. Tex. July 7, 2005) (“While Defendants may seek, in separate interrogatories, specific responses regarding specific pieces of prior art, or may seek, in a single interrogatory, a general response regarding all identified prior art, Defendants may not seek, in a single interrogatory, specific responses for every piece of prior art. Such an interrogatory would burden the Plaintiff and dramatically expand the number of interrogatories.”). Responding to this Interrogatory as drafted would exceed the permitted number of Interrogatories.

Subject to and without waiving the foregoing objections, I/P Engine responds:

I/P Engine hereby incorporates its response to Interrogatory No. 13 and submits that its response to this Interrogatory is included therein.

Dated: March 22, 2012

By:  /s/ Charles J. Monterio, Jr.  
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Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of March, 2012, the foregoing **PLAINTIFF I/P ENGINE, INC.'S RESPONSES AND OBJECTIONS TO DEFENDANT GOOGLE, INC.'S THIRD SET OF INTERROGATORIES**, was served via email, on the following:

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