

# EXHIBIT J

# DICKSTEINSHAPIRO<sub>LLP</sub>

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January 10, 2012

## Via E-mail

Margaret P. Kammerud, Esq.  
Quinn Emanuel Urquhart & Sullivan, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111

Re: Google's Proposed Custodians and Search Terms

Dear Meg:

I/P Engine, Inc. ("I/P Engine") received Google, Inc.'s ("Google") letter of January 9, 2012. I/P Engine believes Google's proposed search terms will not result in discovery that is adequately responsive to I/P Engine's requests. The majority of I/P Engine's discovery requests are focused upon Google's accused systems, yet Google's proposed search terms are limited to nothing more than Google's knowledge of the asserted patents. As we understand your letter, Google has agreed to the following search terms:

- 5867799 or 5,867,799 or (799 /2 patent)
- '664 or 6,775,664 or 6775664 or 10/045,198
- '420 or 6,314,420 or 6314420 or 09/204,149
- pat\* w/4 (664 or 420)
- appl\* w/4 (198 or 149)
- I/P Engine
- (Andrew or Ken) w/3 Lang
- (Donald or Don) w/3 Kosak
- demand search
- scan /3 search /3 network
- (content based filter) or (content-based filter)
- collaborative feedback data
- informon
- Lycos
- content /2 profile
- ((collaborative filter) or (collaborative filtering)) /10 ((content filter) or (content filtering))
- (hybrid /2 filter) or (hybrid /2 filtering)
- Wisewire

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We note that virtually all of these search terms appear to relate to I/P Engine's document requests that are related to Google's knowledge of the asserted patents. We believe that it is incumbent upon Google to comply with its obligations to search for and produce responsive documents relating to I/P Engine's requests for testing documents, comparison documents, damages-related documents, marketing documents, indemnification documents, etc.

Your January 9 letter asserts that I/P Engine's "broad, meaningless [proposed] search terms [are] improper and [do] nothing to assist the parties in moving forward with discovery in a timely manner." Google, however, has yet to propose one search term not related to Google's knowledge of the asserted patents. You have not disputed that Google has an obligation to produce responsive, non-privileged documents that are requested by I/P Engine and are relevant to this litigation. I/P Engine, in good faith, proposed search terms that it believes will be helpful based on its limited review and knowledge of Google's technical documents. Based on I/P Engine's document requests themselves and the meet and confers the parties have held thus far regarding Google's production, it is clear which documents I/P Engine seeks. We expect Google to comply with its discovery obligations, even as it refuses to accept I/P Engine's suggested search terms.

With regard to proposed custodians, I/P Engine suggested three reasonable additional custodians – one of which (Mr. Jeff Huber) led the overall engineering and development for Google's advertising products from 2003-2011. Is it Google's position that Mr. Huber, given his immediate past role at Google, would not have information in his custodial file that is relevant to I/P Engine's claims during the period relevant to this litigation? If so, please provide the basis for that position. I/P Engine believes that Mr. Huber is an obvious example of an appropriate custodian. A similar rationale applies to Mr. Jack Ancone. These two individuals were identified as Google's most knowledgeable AdWords witnesses in the *Bright Response* trial held just 17 months ago. I/P Engine also proposed an as of yet unidentified Head of Testing person as a suggestion to address I/P Engine's requests for testing documents related to the 2005 transition to the new Quality Score version of AdWords including the transition between "DumbASS" and "SmartASS." The critical factors for identifying an appropriate custodian, however, are whether the custodian has custody of an appropriate scope of responsive documents and an appropriate degree of responsive knowledge. Please confirm that Google affirmatively represents that custodians it designates are responsive to I/P Engine's requests for discovery from persons most knowledgeable about the testing and quality assessments of Google's changes that are contemplated and made to Google's AdWords system. As for Mr. Hal Varian, Google holds him out as an authority on Quality Score (*see e.g.*, IPE 000070-79), and Google's own documents reflect that Mr. Varian is heavily involved in the design, development, and decision making processes related to Google's AdWords systems. *See e.g.*, G-IPE-0000378-81, G-IPE-0015840-44, G-IPE-0001629, and G-IPE-0000078.

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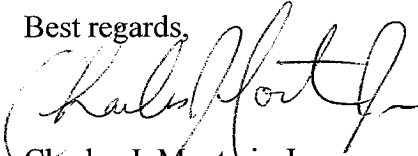
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We look forward to your response. I/P Engine remains willing to meet and confer to resolve these issues, and likewise hopes that the parties can work together to a solution. We propose having a meet and confer teleconference on January 11, 2012. In the meantime, please do not hesitate to contact us if you have any questions.

Best regards,



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CJM/

cc: Stephen E. Noona  
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