

# **EXHIBIT B**

## Jen Ghaussy

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**From:** Brothers, Kenneth [BrothersK@dicksteinshapiro.com]  
**Sent:** Friday, December 16, 2011 4:15 PM  
**To:** David Perlson  
**Cc:** zz-IPEngine; QE-IP Engine; senoona@kaufcan.com  
**Subject:** RE: IP Engine v. AOL et al. - Google's Refusal Google's Refusal to Respond to IP Engine's Interrogatory No. 2

David:

Thank you for agreeing during our meet and confer to amend your clients' responses to Interrogatory No. 2. I understand you will get this to us by the middle of next week.

I also will await your proposed additional language for page 8 of the draft Protective Order regarding the printouts of source code, and the draft Joint Discovery Plan p. 4 re revising the language re deponents to include a Rule 30(b)(6) deposition for each defendant, Rule 30(b)(1) deponents equal to the number of each defendants' Rule 26(a) disclosure of current or former employees, as well as an agreement that the parties will negotiate in good faith regarding any additional depositions. I understand that you may propose language for additional time with the inventors, which I will consider; as I think about it, I believe that the amount of Rule 30(b)(6) time should at least be the same as for the inventors.

The parties were unable to reach agreement re limiting the custodians and key words for the searching of the non-technical documents. Consistent with your description, I understand that defendants will proceed with the non-technical document production consistent with their obligations to conduct a reasonable search for and production of responsive documents, with additional follow-up as appropriate. I invited you to share with me by no later than 6 pm ET on Tuesday, Dec. 20, a specific proposal on how defendants might be prepared to meet this obligation that would result in a more targeted production of documents.

I offered to limit the search for and production of IAC, Target and Gannett to damages only in exchange for a stipulation to the effect that a judgment of infringement of Google's AdWords system is binding upon those entities relating to their use of Google's AdWords partner systems. While you were not prepared to accept that offer now, please advise if you may be interested later on.

In response to your request that I send you a list of items to produce from prior AdWords litigations, please produce the following (with exhibits/attachments):

- Complaints
- Answers
- Google discovery responses
- Dispositive pleadings
- Pretrial orders
- Motions in limine pleadings
- Daubert pleadings
- Rule 50/59 motion pleadings
- All pleadings to which was attached a declaration from a current or former Google employee
- All hearing and trial transcripts
- All fact deposition transcripts of current or former Google employees
- All expert reports
- All expert deposition transcripts
- All scheduling and substantive orders (including discovery orders relating to Google's compliance)
- All judgments
- All appellate briefs and orders
- All settlement agreements

In response to your request that I send you a list of items to produce regarding willfulness, please produce documents regarding or relating to the patents in suit (including references in litigation, reexamination proceedings, prosecution of patents Google sought, owned or licensed), the inventors, WiseWire, or Lycos.

You also agreed to advise us early next week of the dates by which Google intends to make its ongoing productions. I stressed how plaintiff did not want the production efforts to cease over the holidays.

Based upon our discussion of willfulness documents and on Meg's letter of this afternoon, I understand that your clients do not intend to withhold production of any relevant, responsive non-privileged documents based upon their objections. Please advise if this understanding is not correct.

Regards, Ken

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