

# EXHIBIT Y

# DICKSTEINSHAPIRO<sub>LLP</sub>

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April 5, 2012

## **Via E-mail**

Jen Ghaussy, Esq.  
Quinn Emanuel Urquhart & Sullivan, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111

Re: April 2, 2012 Meet and Confer Summary

Dear Jen:

Further to our meet and confer of April 2, 2012, I/P Engine is writing to summarize our understandings as a result of the teleconference and respond to some of Google's questions. I/P Engine also responds to certain points in your letter of April 3, 2012.

Google asked if I/P Engine had produced all documents related to the recent merger between Vringo and Innovate/Protect. We explained that, on March 16, 2012, I/P Engine produced all publicly-available documents related to the recent merger. We also explained our understanding that the parties had previously agreed that no party has an obligation to preserve or produce documents created after the filing date of this litigation, September 17, 2011. Google stated that this was the agreement at least with respect to custodial documents. Please confirm that Google's position is that non-custodial documents created after September 17, 2011 must be preserved and produced, and if so, whether Google has produced such documents. Our understanding is that Google has not done so. In any event, and without conceding whether the parties' agreement was in fact limited to custodial documents, I/P Engine is investigating whether there are any non-custodial, non-publicly available documents to produce. Google further asked whether I/P Engine would be asserting privilege in regards to merger documents. We note that the parties have agreed that privilege logs need not contain any privileged documents created after September 17, 2011. Consistent with that agreement, I/P Engine is currently not aware of any additional documents that would be withheld as privileged.

Google advised that it will produce the requested Google AdWords videos and litigation documents by April 20, 2012. Google further promised that it would provide a date for the production of custodial documents by the end of this week. I/P Engine is relying upon Google's promise and looks forward to receiving that date; otherwise, I/P Engine plans to file a motion requesting that the court set a date. Google confirmed that it has already collected documents, has and is reviewing the collected documents and would make rolling productions of those documents. Google informed I/P Engine that it could prioritize custodians if requested. I/P Engine requests that Google prioritize the witnesses identified on their initial disclosures.

**DICKSTEINSHAPIRO** LLP

Jen Ghaussy, Esq.

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Google requested a status of I/P Engine's pending email productions. I/P Engine explained that it was attempting to resolve an issue of over-inclusiveness for some of the search terms in its custodial searches, noting that words such as "Target" appear to have been too broad. Assuming these issues are resolved, I/P Engine intends to review and produce emails and custodial documents by April 20th.

Regarding the ESI agreement, Google explained that the only outstanding issue is whether draft emails must be searched and produced. Google explained that their intent is to only omit unsent draft emails from the collection and production, and not to limit the production of any emails that have been sent or received. We would like a better understanding of why Google is proposing to exclude unsent draft emails, as we doubt that the volume is unduly burdensome. We also believe that unsent drafts can be highly relevant to show a person's thoughts when the draft was created. On balance, our preference is that relevant unsent draft emails should be produced. We also note that Google's proposed language will have to be revised for the reasons set forth in our prior emails.

I/P Engine requested Google's basis for its laches affirmative defense. After the meet and confer, we received your letter of April 3. Based on the statements in that letter, there is no basis for Google to assert that any entity could have known or been aware of any alleged infringing activity incorporating Quality Score. For this additional reason, the presumption of laches does not apply.

Regarding deposition dates of the inventors, I/P Engine explained that the inventors would be available for depositions in May (each on two consecutive days), and provided several dates that they could be made available. We note that the parties already had agreed that the inventors would be made available on two consecutive days; in exchange, I/P Engine agreed to permit the witnesses to be deposed for 14 hours. *See* Discovery Plan, Section II, B. Notwithstanding that prior agreement, Google requested whether either inventor may be available for a single day for a deposition in April. I/P Engine maintains that it is unreasonable to produce an inventor to sit for a deposition on two separate occasions, especially given that one inventor lives in Hawaii, and the other is back and forth to Israel and likely will be there for most of April. We are prepared to consider investigating offering an inventor for a single deposition day, provided that Defendants agree to limit the duration of the deposition of that inventor to a single 7-hour deposition day.

To the extent that Defendants intend to serve Rule 30(b)(6) deposition notices, we request that they do so well prior to the deposition of the inventors, so they may be appropriately designated.

**DICKSTEINSHAPIRO**LLP

Jen Ghaussy, Esq.

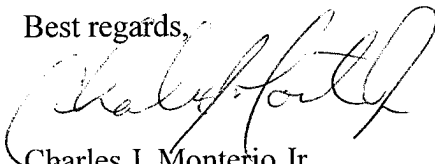
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With regard to Rule 30(b)(6) deposition dates, as you noted in your letter, I/P Engine's 30(b)(6) Notices included dates and a location for the purpose of starting the discussion. I/P Engine understands that each defendant will identify its witnesses and then dates will be determined. We note that the parties have agreed that the producing party will disclose the names of its Rule 30(b)(6) designees no later than seven days prior to the deposition. *See* Discovery Plan, Section III, D.

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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