

EXHIBIT I

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January 9, 2012

Charles Monterio Jr.
Dickstein Shapiro LLP
1825 Eye Street NW
Washington, DC 20006

Re: I/P Engine, Inc. v. AOL, Inc. et al.

Dear Charles:

I am writing in regard to your December 23 email concerning Google custodians and proposed search terms.

I. Custodians

You propose collecting documents from the "Unnamed, Head of Testing (2005 transition to the new Quality Score version of AdWords, including without limitation the transition between DumbASS and SmartASS)." Please explain what you are looking for here – i.e., is there some reason to believe someone of this title exists? Also, let us know the timeframe you are interested in.

Please provide justification for seeking documents from Jack Ancone, Hal Varian and Jeff Huber as custodians. It seems unlikely to us that these individuals will have information in their custodial files that would warrant a separate custodial search for them.

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II. Search Terms

We have considered each of the search terms you proposed and offer the following response. All suggestions are subject to testing for overbreadth by running the terms on limited custodians to assess the volume of documents returned.

We agree to the addition of the following search terms:

5867799 or 5,867,799 or (799 /2 patent)
'664 or 6,775,664 or 6775664 or 10/045,198 – [replacing 6775664 or 6,775,664 or (664 /2 patent)]
'420 or 6,314,420 or 6314420 or 09/204,149 – [replacing 6314420 or 6,314,420 or (420 /2 patent)]
pat* w/4 (664 or 420)
appl* w/4 (198 or 149)
(Andrew or Ken) w/3 Lang – [replacing (Andrew /2 Lang) or (Ken /2 Lang)]
(Donald or Don) w/3 Kosak – [replacing Donald /2 Kosak]
Wisewire

We do not believe that including the individual terms "Lang" and "Kosak" are necessary as given the terms including the inventors' full names. However, we will test these terms against a limited group of custodians to determine whether or not they are over-inclusive and will inform you whether or not they need to be further focused.

The remainder of your proposed terms are problematic for several reasons.

Initially, your identification of accused systems as search terms is useless. AdWords and AdSense are the products accused of infringement in this action. The custodians we have proposed work on those systems, so asking that Google collect all documents including these terms makes no sense. It would result in the collection of huge numbers of documents, and do nothing to tailor the results of issues in this case. Plaintiff has professed that it does not want a document dump in this case, but Plaintiff's proposal seems designed to accomplish this very result.

Likewise, SmartASS, DumbASS, AdMixer, AdShards, and Quality Score are not legitimate search terms. They are broad terms encompassing functionality well beyond the scope of this case. And Kansas has not been accused and, thus, is irrelevant.

AdWords Select is the public name for an updated version of AdWords launched in 2002. Please explain how a prior system not accused in this case is relevant.

The term "Relevance" is also inappropriate. Standing alone, this word has no tie to this case. Likewise, the generic term "Landing page" does not, by itself, have any relevance. Including such broad, meaningless search terms is improper and does nothing to assist the parties in moving forward with discovery in a timely manner.

Similarly, the terms "Search w/30 (Advertising or ads)," "(Search or Adwords or Adsense or Advertising or ads) w/30 (Feedback or collab* or algo* or rank*)," "(Search or Adwords or Adsense) and (User Feedback)," "(Click-through or clickthrough or CTR or "click through") and (Search or Adwords or Adsense)," (Advertising or ads or Adsense or Adwords) w/30 quality," and "(Advertisements or Ads or Adwords) w/5 stor*" are overbroad and are not tailored to encompass aspects of Google systems relevant to this case.

The terms "AOL w/4 (Sponsored Listings)" and "(IAC or Ask) w/4 (Sponsored Listings)" are also overly broad, as they are not focused on accused functionalities in this case.

"Overture or Goto.com," "Yahoo w/4 (Search Marketing)," and "Microsoft w/4 AdCenter" are also overbroad and irrelevant. I/P Engine has not accused any Overture, Yahoo, or Microsoft product in this action, so documents about those companies are irrelevant, nor do Plaintiffs even attempt to limit hits of these products to any issue in the case. If you disagree, please explain your position.

As always, we remain willing to meet and confer to resolve any discovery issues, and hope that you similarly remain willing to work together on these issues in a timely and efficient manner. Dealing with custodians and search terms is an area in which we particularly need to work together. However, we need Plaintiff to be reasonable and practical. Proposing terms like AdWords and AdSense will get us nowhere. Please go back and evaluate your search terms and revise them to be tailored to this case so we may have a meaningful discussion on this issue.

Very truly yours,



Margaret P. Kammerud