# EXHIBIT K

## Jen Ghaussy

**From:** Albert, Dawn Rudenko [RudenkoD@dicksteinshapiro.com]
**Sent:** Thursday, June 14, 2012 2:52 AM
**To:** Emily O'Brien; Monterio, Charles; QE-IP Engine; 'senoona@kaufcan.com'
**Cc:** zz-IPEngine; 'dschultz@cwm-law.com'; 'wrsnow@cwm-law.com'
**Subject:** RE: I/P Engine: Deposition of J. Alferness

Hi Emily,

We do not believe that it is necessary to meet and confer on these issues yet again, but we are of course willing to do so if Defendants believe that it would be helpful. Because these issues directly impact the depositions scheduled for next week, as well as the amended notice issues, we would like to meet and confer at 11:30 Pacific to either finally resolve these issues or contact the court at that time for guidance.

As Defendants' position as set forth below is unclear, we again will clarify I/P Engine's position on the number of depositions issue and Mr. Alferness's 30(b)(6) deposition. I/P Engine would be permitted to take a total of 5 depositions of Google under the Federal Rules, without having to seek leave of Court for additional depositions. These depositions would include: 1 Liability 30(b)(6) deposition (7 hours), 1 Damages 30(b)(6) deposition (7 hours) as currently scheduled, and three 30(b)(1) depositions (the number corresponding to the number of witnesses identified in Google's initial disclosures). Based upon the complexities of this case, a total of five depositions of Google is reasonable. It appears that Google's position is that I/P Engine should be entitled to a total of 3 depositions, Mr. Alferness under 30(b)(1) and 30(b)(6), Mr. Furrow under 30(b)(1) and 30(b)(6) and Mr. Cook under 30(b)(1). Again, we simply cannot agree to this restriction, particularly as previously stated, we do not have an intention to depose Mr. Alferness or Mr. Furrow in their individual capacity at this time.

Because of this impasse, is Google no longer offering Mr. Furrow for the topics identified in your email of June 13 at 7:00 p.m.? If this is incorrect, please provide us with Mr. Furrow's availability for deposition as previously requested.

We will call you at 11:30 Pacific for the meet and confer.

Regards,

Dawn Rudenko Albert

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**From:** Emily O'Brien [emilyobrien@quinnemanuel.com]
**Sent:** Thursday, June 14, 2012 12:07 AM
**To:** Albert, Dawn Rudenko; Monterio, Charles; QE-IP Engine; 'senoona@kaufcan.com'
**Cc:** zz-IPEngine; 'dschultz@cwm-law.com'; 'wrsnow@cwm-law.com'
**Subject:** RE: I/P Engine: Deposition of J. Alferness

Dawn,

The default rule is 10 depositions. We are happy to follow this rule.

As a compromise, however, the parties previously agreed to the following:

“The parties agree that Plaintiff shall have the right to a Rule 30(b)(6) deposition on liability issues lasting no longer than 7 hours, a Rule 30(b)(6) deposition on damages issues lasting no longer than 7 hours; and the right to depose each fact witness affiliated with a defendant and who has been disclosed pursuant to Rule 26(a) (currently 14 individuals for all defendants). Defendants have agreed to this expansion of the deposition limitations under the Federal Rules of Civil Procedure with the express understanding that this will be substantially all the depositions that plaintiff will take; any additional depositions by plaintiff must be by leave of Court on motion for good cause shown.”

Plaintiff sought to avoid the original agreement, and so we offered another compromise (subject to our clients' approval):

"Plaintiff would take up to 14 witnesses total from all Defendants, which would not need to be the individuals listed in the initial disclosures. But, Plaintiff would only be entitled to take from each Defendant an equivalent number of individual depositions as the number of witnesses listed in that Defendant's initial disclosures. For example, because Google listed three employees in its initial disclosures, Plaintiff would only be entitled to take three individual depositions of Google without leave of the Court, in addition to the 30(b)(6) depositions already noticed. If Plaintiff chooses to go forward with the deposition of Mr. Cook, then Plaintiff would be entitled to take the individual depositions of Mr. Cook, Mr. Alferness (as already scheduled), and one additional Google witness." You claim we are backing off this proposal, but that is incorrect. It is Plaintiff that has rejected it. Instead, Plaintiff suggests that even after taking a 7 hour deposition of Mr. Alferness, and then presumably a deposition of similar length from Mr. Furrow, that Plaintiff could take their depositions yet again in their personal capacity, or that Plaintiff would be entitled to take three more individual depositions of Google employees. This is not acceptable and there seems to be little point to debate this further.

Still more, to address your hypothetical concerns regarding not having enough time with Mr. Alferness, we offered that Plaintiff can take Mr. Alferness in his personal and 30(b)(6) capacity on June 21, and take Mr. Furrow on the topics outlined below and in his personal capacity on a mutually convenient date. We indicated that there should be no need for Mr. Cook's deposition if we follow this path. You have not articulated why this is incorrect. Instead, you have indicated that intend to reserve the right to take Mr. Alferness' and Mr. Furrow's deposition again in violation of each of our proposals and the FRCP. This is not acceptable either.

Given the above, we see no course but to proceed pursuant to the parties' initial agreement regarding depositions, and if that is not acceptable to Plaintiff assert that Plaintiff should be limited to the default rule of 10 depositions total because it has reneged on our agreement, which was the result of many meet and confers and at a significant cost to Defendants.

If necessary, we are willing to meet and confer tomorrow at 1130 am Pacific to discuss these outstanding issues, even though we already accommodated Plaintiff's demand for a meet and confer today, in response to which Plaintiff informed us 10 minutes before the proposed time that it was not available at that time.

Thank you,
Emily

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**From:** Albert, Dawn Rudenko [RudenkoD@dicksteinshapiro.com]
**Sent:** Wednesday, June 13, 2012 4:41 PM
**To:** Emily O'Brien; Monterio, Charles; QE-IP Engine; 'senoona@kaufcan.com'
**Cc:** zz-IPEngine; 'dschultz@cwm-law.com'; 'wrsnow@cwm-law.com'
**Subject:** Re: I/P Engine: Deposition of J. Alferness

Hi Emily,

If the topics are split, it may be workable. We're analyzing and will get back to you in the morning. What is Mr. Furrow's availability for deposition?

Also, we'd like clarification about your statement that Messrs Furrow and Alferness will be provided "one time" each. By this are you seeking to provide them individually as well? If so, as we've explained previously, although we have no current need to depose either under Rule 30(b)(1), we cannot agree to be bound by such a limitation at this point in the case.

As we've also previously made clear, we cannot be restricted to depose only those persons that Defendants have identified in their initial disclosures. It is disheartening that after days of back and forth on this issue, and I/P Engine's agreement to accept Defendants' earlier counter proposal, we are back to square one. Are we to understanding that

Defendants' counter proposal is no longer acceptable to Defendants? If so, I think we've exhausted this issue, and should contact the court in the morning to seek guidance.

We await Defendants' response re: the above.

Regards,
Dawn
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(212) 277-6715

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**From**: Emily O'Brien [mailto:emilyobrien@quinnemanuel.com]
**Sent**: Wednesday, June 13, 2012 07:00 PM
**To**: Monterio, Charles; QE-IP Engine <QE-IPEngine@quinnemanuel.com>; Stephen E. Noona <senoona@kaufcan.com>
**Cc**: zz-IPEngine; 'Donald C. Schultz' <dschultz@cwm-law.com>; W. Ryan Snow <wrsnow@cwm-law.com>
**Subject**: RE: I/P Engine: Deposition of J. Alferness

Charles,

I write to follow up on our email correspondence yesterday, and Plaintiff's telephone conference with Mr. Noona earlier today.

In order to resolve all of the outstanding issues, Google proposes the following:

Google will withdraw some of the topics for which Mr. Alferness has been designated, and instead designate Bartholomew Furrow (listed in Google's initial disclosures) in response to these topics. Specifically, Mr. Furrow will testify in response to Liability Topic Nos. 2-5, 8-9, subject to all objections previously asserted and consistent with Google's prior representations regarding these topics. Both Mr. Alferness and Mr. Furrow will be provided one time for seven hour depositions each. This should alleviate Plaintiff's concern that it will not have sufficient time to cover all of the topics for which Mr. Alferness is currently designated in a seven hour period.

Additionally, we need confirmation that Plaintiff will abide by the original terms of the parties' agreement on depositions of defendants. Specifically, Plaintiff shall have the right to a Rule 30(b)(6) deposition on liability issues lasting no longer than 7 hours, a Rule 30(b)(6) deposition on damages issues lasting no longer than 7 hours, and the right to depose each fact witness affiliated with a defendant and who has been disclosed pursuant to Rule 26(a). Under this agreement Plaintiff would not be entitled to take the deposition of Mr. Cook, whose deposition should be unnecessary as Plaintiff should be able to obtain sufficient information between Mr. Alferness and Mr. Furrow.

Please let us know if this is acceptable.

Thank you,
Emily

**Emily O'Brien**
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**From:** Monterio, Charles [mailto:MonterioC@dicksteinshapiro.com]
**Sent:** Wednesday, June 13, 2012 3:09 PM
**To:** QE-IP Engine; Stephen E. Noona
**Cc:** zz-IPEngine; 'Donald C. Schultz'; W. Ryan Snow
**Subject:** I/P Engine: Deposition of J. Alferness

Emily,

Is there any update as to Google's position with respect to I/P Engine's 30(b)(6) deposition of designee Jonathan Alferness? I know our respective local counsels discussed this issue earlier.

**Charles J. Monterio, Jr.**
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