

EXHIBIT D

May 16, 2012

Dawn Rudenko Albert
albertd@dicksteinshapiro.com

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

Dear Dawn:

I write to seek clarification of Plaintiff's intentions with respect to depositions of the defendants, in light of the deposition notice to Derek Cook Plaintiff served on May 11.

It is unclear why you noticed Mr. Cook's deposition for May 24, when Plaintiff has repeatedly insisted (including in your May 15 email, sent after the deposition notice was served), that it is seeking to depose the non-Google defendants before Google. Plaintiff had also previously indicated that the week of May 21 did not work for Plaintiff for depositions. In addition, earlier on May 11, Ms. O'Brien and Mr. Monterio discussed deposition scheduling, including dates for non-Google defendants in June. At that time, Mr. Monterio made no mention of I/P Engine's plan to notice the deposition of Mr. Cook for May 24.

In any event, the parties have agreed that Plaintiff has the right to a 30(b)(6) deposition on liability for each defendant, a 30(b)(6) deposition on damages for each defendant, and "the right to depose each fact witness affiliated with a defendant and who has been disclosed pursuant to Rule 26(a)." Defendants made clear that they agreed to Plaintiff's requested expansion to the deposition limits set forth in the Federal Rules of Civil Procedure "with the express understanding that this will be substantially all the depositions that plaintiff will take." Plaintiff has now served a 30(b)(6) deposition notice on liability and a 30(b)(6) deposition notice on damages to each of the five defendants.

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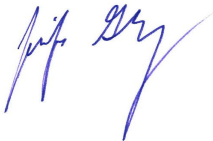
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As you know, Mr. Cook is not listed in Google's Initial Disclosures or Google's First Supplemental Initial disclosures, nor has he been designated as a 30(b)(6) witness for Google in this matter. Under the parties' agreement, Plaintiff must seek leave of court to depose Mr. Cook, and must show good cause to do so. However, Google is amenable to meet and confer about this issue in order to avoid further motion practice if possible. In particular, Google would like to clarify Plaintiff's intentions with respect to future depositions; does Plaintiff no longer intend to take fact depositions of the witnesses listed in Google's initial disclosures (or that of other defendants)? We are available to meet and confer on this issue.

Sincerely,



Jen Ghaussy

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