

# EXHIBIT D

# DICKSTEINSHAPIRO<sub>LLP</sub>

1825 Eye Street NW | Washington, DC 20006-5403  
TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com

December 13, 2011

## Via Email

Joshua L. Sohn, Esq.  
Quinn Emanuel Urquhart & Sullivan, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 9411

Re: *I/P Engine, Inc. v. AOL, Inc. et al.*, Civ. No. 2:11-cv-00512 (E.D. Va.)

Dear Joshua:

I write to you on behalf of Innovate/Protect, Inc. (“Innovate/Protect”), in response to a subpoena that Google Inc. et al. (“Defendants”) served upon Innovate/Protect, a non-party to the above-referenced matter, on November 29, 2011 (“Google subpoena”). Pursuant to Fed. R. Civ. P. 45, this letter serves as Innovate/Protect’s written objections to the Google subpoena.

### General Objections

Innovate/Protect makes the following general objections that apply to the Google Subpoena as a whole and to each individual Request for production (“Request” or “Requests,” collectively) contained in “Attachment A” attached thereto. Each of Innovate/Protect’s responses to the individual Requests, provided below, are subject to these general objections.

1. Innovate/Protect objects to the Subpoena to the extent it purports to impose requirements that are inconsistent with, or beyond those contemplated by, the Federal Rules of Civil Procedure, the Local Rules of the Court, and any order entered into in the Action. Innovate/Protect will construe and respond to the Requests in accordance with the requirements of the Federal Rules of Civil Procedure and the applicable local rules and orders.
2. Innovate/Protect objects to the Requests as overly broad and unduly burdensome to the extent that they purport to require Innovate/Protect to produce documents or information outside of Innovate/Protect’s possession, custody or control as such information is beyond the permissible scope of the Federal Rules of Civil Procedure and applicable law, and would further pose an undue burden on Innovate/Protect.
3. Innovate/Protect objects to the Requests to the extent that they seek material that is not relevant to the issues in the underlying litigation or that is not reasonably calculated to lead to discovery of relevant or admissible evidence to the underlying lawsuit.

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4. Innovate/Protect objects to the Requests to the extent that they are duplicative and/or cumulative to requests served on parties in this Action and to the extent that they request documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect does not have within its possession, custody or control any documents that are not in the possession, custody or control of I/P Engine, a party to this Action.
5. Innovate/Protect objects to the Requests to the extent that they fail to describe the information requested with particularity and/or are indefinite as to time and scope.
6. Innovate/Protect objects to the Subpoena to the extent it requires an answer that is not within Innovate/Protect's knowledge after reasonable inquiry.
7. Innovate/Protect's responses and objections shall not be construed as admissions or representations that requested documents are in its possession, custody or control.
8. Innovate/Protect objects to the Subpoena, including the Definitions and Instructions and each specific Request therein, to the extent it purports to require Innovate/Protect to take any additional actions beyond a reasonable search of its records.
9. Innovate/Protect objects to the Requests to the extent that they seek documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect will not produce such protected documents. Moreover, any inadvertent production of such documents will not be deemed a waiver of any privilege or immunity with respect to the information produced. Specific objections on the grounds of privilege are provided for emphasis and clarity only, and the absence of a specific objection should not be interpreted as evidence that Innovate/Protect does not object to a Request for Production on the basis of an applicable privilege.
10. Innovate/Protect objects to the Requests to the extent that they seek discovery of information that is in the public domain and, therefore, of no greater burden for Defendants to obtain than Innovate/Protect.
11. Innovate/Protect objects to the Requests to the extent that they seek documents that no longer exist in a particular form. Where possible, subject to any applicable objection, Innovate/Protect will produce documents as they existed as of the date requested. In those cases where this is not possible, Innovate/Protect will produce the documents as they exist today.
12. Innovate/Protect objects to Defendant's definition of "'Innovate/Protect,' 'you,' and 'your,'" (set forth in Paragraph 1) because the phrase "affiliates, parents, divisions, joint

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ventures, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestic” is vague so as to not be clear and comprehensible and also is overly broad because the phrase purports to include independent third parties. In responding to these Requests, Innovate/Protect will limit its responses to “Innovate/Protect, Inc.”

13. Innovate/Protect objects to Defendant’s definition of “‘Plaintiff’ or ‘I/P Engine,’” (set forth in Paragraph 2) because the phrase “affiliates, parents, divisions, joint ventures, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestic” is vague so as to not be clear and comprehensible and also is overly broad because the phrase purports to include independent third parties. In responding to these Requests, Innovate/Protect will limit its responses to “I/P Engine, Inc.”

14. Innovate/Protect objects to the Requests to the extent that they seek emails or other communications. It is Innovate/Protect’s understanding, pursuant to an agreement between the parties, that the parties are not producing responsive, non-privileged emails at this time. Thus, Innovate/Protect, consistent with the agreement between the parties, will not produce responsive, non-privileged emails at this time. Innovate/Protect reserves the right to amend or supplement its responses to any Request in the future if, and when, emails are produced. Likewise, based upon this agreement, Innovate/Protect will not log any emails subject to any applicable privilege. In responding to these Requests, Innovate/Protect will limit its responses to “I/P Engine, Inc.”

#### Objections and Responses to Specific Requests for Production

In responding to any Request and/or producing any documents responsive to any Request, Innovate/Protect does not waive the foregoing objections. Innovate/Protect reserves the right to amend or supplement its response to any Request. Innovate/Protect does not have within its possession, custody or control any documents that are not in the possession, custody or control of I/P Engine, a party to this Action. Accordingly, Innovate/Protect objects to the Requests as unduly burdensome as any response or production will be duplicative of I/P Engine’s response or production.

Nothing herein shall be construed or interpreted to waive any rights, defenses, or privileges available to Innovate/Protect in any proceeding at law or in equity, or in administrative proceedings, including the right to contest the admission of any information into evidence. Further, nothing herein shall be construed as an admission that any information produced in response to any Request is relevant to any issue in the above-captioned case or is admissible into evidence in any proceeding.

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**REQUEST FOR PRODUCTION NO. 1:**

All DOCUMENTS and communications that REFLECT, REFER TO or RELATE TO the PATENTS-IN-SUIT, including any foreign counterparts to the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS and communications." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 2:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO efforts to obtain patent protection on any invention related to the subject matter shown, described, or claimed in the PATENTS-IN-SUIT, including but not limited to:

- a) any invention disclosures;
- b) any DOCUMENT attached to, REFERRING TO or REGARDING any invention disclosure;
- c) drafts of patent applications;
- d) the prosecution history of each application that claims priority to the PATENTS-IN-SUIT or the application which lead to the PATENTS-IN-SUIT;
- e) the prosecution history of each application on which Andrew K. Lang or Donald M. Kosak is a named inventor, including all issued, pending or abandoned applications;
- f) all correspondence regarding the patent applications referred to in subparts (c) through (e) above;

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g) all DOCUMENTS consulted or reviewed by the applicants, patentees, or prosecuting attorneys during the preparation and prosecution of any application referred to in subparts (c) through (e) above, including but not limited to PRIOR ART references or potential PRIOR ART references; and

h) all U.S. and foreign patents and patent applications, including unpublished applications, that are owned, in whole or in part, or licensed by or to INNOVATE/PROTECT or I/P ENGINE that are directed to the subject matter disclosed in the PATENTS-IN-SUIT, including without limitation all continuations, continuations-in-part, divisionals, parents and foreign counterparts of the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 3:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO your knowledge of PRIOR ART RELATING TO the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing

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objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 4:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO the date and circumstances pursuant to which you first learned of each piece of PRIOR ART RELATING TO the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 5:**

All DOCUMENTS that INNOVATE/PROTECT, I/P ENGINE, or the PREDECESSORS IN INTEREST consider PRIOR ART, or which others have identified as PRIOR ART, to the PATENTS-IN-SUIT, including but not limited to patents, publications, books, magazines, course materials, any DOCUMENT reflecting prior knowledge, public uses, public sales or offers for sale, which have a publication DATE or that existed before the issuance of the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect also objects to this Request to the extent that it seeks a legal conclusion. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections,

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Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 6:**

All DOCUMENTS identifying any prior art systems to the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect also objects to this Request to the extent that it seeks a legal conclusion. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 7:**

All DOCUMENTS RELATING TO any U.S. or foreign counterpart applications or patents to the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections,



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Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 8:**

All DOCUMENTS RELATING TO any search engine or information filtering technology that combines content based and collaborative filtering prior to December 3, 1998, including any document relating to the sale, offer for sale, or public use or description of this technology.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 9:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO the conception, diligence, reduction to practice, research, design, development, or testing of the subject matter claimed in the PATENTS-IN-SUIT, including but not limited to laboratory notebooks, inventor notebooks, and computer data, as well as the first written description or disclosure (including drawings) and the first prototype of such subject matter.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on

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parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 10:**

All DOCUMENTS concerning any product, prototype, development version, test version, commercial embodiment, or commercialization of any invention claimed in the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect also objects to this Request to the extent that it seeks a legal conclusion. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 11:**

All DOCUMENTS concerning the inventorship of any invention described, disclosed or claimed in the PATENTS-IN-SUIT, including documents regarding any person considered for inclusion as an inventor, and the contribution of each person involved in the conception, development, and reduction to practice of the subject matter claimed as an invention in the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the

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attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 12:**

All U.S. and foreign patents, printed publications, systems, products or physical devices, provided to, received from, or identified to or by prosecution counsel for or during the preparation and prosecution of the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 13:**

All DOCUMENTS concerning any reissue, reexamination, continuation, divisional, or continuation-in-part of the PATENTS-IN-SUIT, or other patent applications that claim priority in or through the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or

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immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 14:**

All DOCUMENTS concerning any foreign patent application or foreign patent that corresponds, in whole or in part, to the PATENTS-IN-SUIT, and all PRIOR ART cited in each such foreign patent application or patent.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 15:**

All DOCUMENTS concerning ownership of the PATENTS-IN-SUIT or other rights or interests in the PATENTS-IN-SUIT, including but not limited to any proposed, requested, or executed assignment, license, conveyance, and/or grant of any right, title or interest in or to the PATENTS-IN-SUIT.

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**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 16:**

All DOCUMENTS RELATING TO the patent prosecution for U.S. Patent Nos. 6,867,799 and 5,983,214 or their foreign counterparts, including the file wrappers for each patent, all search reports and prior art identified in relation to those patents.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 17:**

All DOCUMENTS concerning any investigations, analyses or searches conducted by or for INNOVATE/PROTECT or disclosed to INNOVATE/PROTECT concerning PRIOR ART RELATING to the PATENTS-IN-SUIT or search engine or information filtering technology.

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### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 18:**

All DOCUMENTS concerning any investigations, analyses or searches conducted by or for I/P ENGINE or disclosed to I/P ENGINE concerning PRIOR ART RELATING to the PATENTS-IN-SUIT or search engine or information filtering technology.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 19:**

All drafts of license agreements to the PATENTS-IN-SUIT.

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**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 20:**

All license agreements to the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 21:**

All correspondence regarding any offers to license the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based

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on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 22:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO differences (or similarities) between the PRIOR ART and any invention disclosed or claimed in the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 23:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO the manners or techniques by which the PATENTS-IN-SUIT allegedly improved upon the PRIOR ART.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections,



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Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 24:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO any of the secondary considerations of nonobviousness of the PATENTS-IN-SUIT, including but not limited to commercial success, long-felt need, attempts by others, failure of others, commercial acquiescence, licensing, professional approval, copying, or laudatory statements by others regarding the inventions claimed in the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect also objects to this Request to the extent that it seeks a legal conclusion. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 25:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO any service offerings, beta tests, or trials of search engine or information filtering technology that combine content based and collaborative filtering prior to December 3, 1998.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on

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parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 26:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO any formal, informal, written, or oral studies, analyses, opinions, pre-filing investigations or reports directed to the scope of patentability, validity, enforceability, or INFRINGEMENT concerning the subject matter shown, described, or claimed in the PATENTS-IN-SUIT, including specifically a complete set of all DOCUMENTS comprising the pre-filing investigation of this case.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 27:**

All DOCUMENTS that REFLECT, REFER TO or RELATE TO any of Google's products, services, or methods alleged to INFRINGE the PATENTS-IN-SUIT, including all DOCUMENTS referring to, REGARDING, or analyzing whether any Google has infringed the PATENTS-IN-SUIT, either literally or under the doctrine of equivalents.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the

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attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 28:**

All DOCUMENTS concerning any product, service, method, prototype, development version, commercial embodiment, or commercialization of any invention disclosed, described or claimed in the PATENTS-IN-SUIT, related to the subject matter of the PATENTS-IN-SUIT, or any of INNOVATE/PROTECT's, I/P ENGINE's, or the PREDECESSORS IN INTEREST's search engine or information filtering technology.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 29:**

All DOCUMENTS concerning any manufacture, license, offer to license, use, sale, or offer for sale, by or on behalf of any company controlled in whole or in part by or affiliated with Andrew K. Lang and/or Donald M. Kosak, of any product, service, method, prototype, development version, system, or method that is (1) disclosed, described, or claimed in the

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PATENTS-IN-SUIT, (2) related to the subject matter of the PATENTS-IN-SUIT, or (3) related to any search engine or information filtering technology.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 30:**

All DOCUMENTS RELATED TO features, functionalities, or any other technological components requested by any consumer as part of its use of, consideration of, or negotiation concerning any search engine or information filtering technology, including but not limited to technology associated with INNOVATE/PROTECT, I/P ENGINE, the PREDECESSORS IN INTEREST, or any other company controlled in whole or in part by or affiliated with Andrew K. Lang and/or Donald M. Kosak.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections,

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Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 31:**

All DOCUMENTS RELATED TO the value to consumers of any features, functionalities, or any other technological components of any search engine or information filtering technology associated with INNOVATE/PROTECT, I/P ENGINE, the PREDECESSORS IN INTEREST, or any company controlled in whole or in part by or affiliated with Andrew K. Lang and/or Donald M. Kosak.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 32:**

All DOCUMENTS RELATED TO the value to consumers of any search engine or information filtering technology associated with INNOVATE/PROTECT, I/P ENGINE, the PREDECESSORS IN INTEREST, or any company controlled in whole or in part by or affiliated with Andrew K. Lang and/or Donald M. Kosak.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on

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parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO.33:**

All DOCUMENTS identified, mentioned, referenced, reviewed, or relied upon in the preparation of I/P ENGINE's answers to any of DEFENDANTS' interrogatories served on I/P ENGINE in this matter.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO.34:**

All DOCUMENTS concerning or RELATING TO each of the legal and factual allegations and requests for relief in I/P ENGINE's claims, as well as in any subsequently added or supplemental pleading in this Action.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further

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objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 32:**

All DOCUMENTS identified, described or referred to in I/P ENGINE's Fed. R. Civ. P. 26 disclosures.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 36:**

All DOCUMENTS concerning any interrogatories or requests for admission propounded by any of the DEFENDANTS in this Action, including documents relied upon or considered by I/P ENGINE in response to any of DEFENDANTS' interrogatories or requests for admission.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 37:**

All documents produced by you, I/P ENGINE, the PREDECESSORS IN INTEREST, Andrew K. Lang, and/or Donald M. Kosak in *Lycos, Inc. v. TiVo Inc.*, No. 07-cv-11469 (D. Mass.), and *ChoiceStream Inc. v. Lycos, Inc.*, No. 1:10-cv-10065 (D. Mass.).

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 38:**

All DOCUMENTS concerning any communications with third parties regarding the subject matter of this Action or the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.



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**REQUEST FOR PRODUCTION NO. 39:**

All DOCUMENTS which RELATE TO, support or refute I/P Engine's assertion that any of Google's products, services, methods, or systems infringe any of the claims of the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 40:**

All DOCUMENTS that support or refute I/P Engine's assertion that the PATENTS-IN-SUIT are valid and enforceable.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect also objects to this Request to the extent that it seeks a legal conclusion. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 41:**

All DOCUMENTS sufficient to show both your and I/P Engine's first awareness of Google's activities that form the basis of I/P ENGINE's accusation that Google's products, services, methods, or systems infringe the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 42:**

All DOCUMENTS concerning any steps INNOVATE/PROTECT, I/P ENGINE, or the PREDECESSORS IN INTEREST took to enforce the PATENTS-IN-SUIT against any DEFENDANTS or any third party.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 43:**

All DOCUMENTS evidencing any damage or harm I/P ENGINE allegedly suffered as a result of the sale, offer for sale, or use of any of the Google's products, services, methods, or systems.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 44:**

All DOCUMENTS concerning sales, licensing, sales forecasts, budgets, expenses, costs, and profitability of any products, services, systems, or methods developed, offered, marketed or sold by you, I/P ENGINE, or the PREDECESSORS IN INTEREST that embody any claim of the PATENTS-IN-SUIT or that relate to any search engine or information filtering technology.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 45:**

All DOCUMENTS concerning the labeling and marking with patent information of any products, services, systems, or methods sold, marketed, or commercialized by you, I/P ENGINE, the PREDECESSORS IN INTEREST, or any other company controlled by or affiliated with Andrew K. Lang and/or Donald M. Kosak that embody any claim of the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 46:**

All DOCUMENTS relating to any computation, calculation or estimation of damages, lost profits or reasonable royalties claimed in this Action.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 47:**

DOCUMENTS sufficient to show any royalty rates to any patents relating to any search engine or information filtering technology licensed by you, I/P ENGINE, or the PREDECESSORS IN INTEREST to any person(s).

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 48:**

All DOCUMENTS relating to your patent licensing policies, the patent licensing policies of I/P ENGINE, or the patent licensing policies of the PREDECESSORS IN INTEREST.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 49:**

All DOCUMENTS relating to your, I/P ENGINE's, or the PREDECESSORS IN INTEREST's policies and procedures related to pursuing patents, including policies and/or

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procedures related to when to pursue patents, invention disclosures, patent prosecution, and the citation of PRIOR ART.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 50:**

All DOCUMENTS concerning any litigation, threatened litigation or possible litigation involving the PATENTS-IN-SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 51:**

All DOCUMENTS sufficient to identify the current shareholders, officers, and directors of INNOVATE/PROTECT and I/P ENGINE.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 52:**

All DOCUMENTS concerning the retention of documents, whether formal or informal, by INNOVATE/PROTECT or I/P ENGINE.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 53:**

All DOCUMENTS concerning communications between I/P ENGINE and any of the DEFENDANTS prior to initiation of this Action.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 54:**

All DOCUMENTS concerning communications between you and any of the DEFENDANTS prior to initiation of this Action.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.



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### **REQUEST FOR PRODUCTION NO. 55:**

All DOCUMENTS concerning the assignment of the PATENTS-IN-SUIT or any interest in the PATENTS-IN-SUIT.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

### **REQUEST FOR PRODUCTION NO. 56:**

All DOCUMENTS concerning any proposed merger, acquisition, or sale of substantially all of the assets of INNOVATE/PROTECT, I/P ENGINE, or the PREDECESSORS IN INTEREST, including ALL DOCUMENTS concerning any diligence, presentations, proposals, term sheets and letters of intent relating to the same.

### **RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 57:**

All publications or draft publications concerning search engines, information filtering, or recommendation system technology written by Andrew K. Lang and/or Donald M. Kosak, including but not limited to the doctoral theses of Andrew K. Lang and/or Donald M. Kosak.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all publications or draft publications." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 58:**

Any specifications provided to the inventors of the PATENTS-IN-SUIT that set forth the functionality that any search engine they were designing was to have.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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**REQUEST FOR PRODUCTION NO. 59:**

All DOCUMENTS showing the value that you, I/P ENGINE, or the PREDECESSORS IN INTEREST paid to acquire the PATENTS-IN SUIT.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 60:**

All DOCUMENTS RELATING TO the corporate relationship between you and I/P ENGINE.

**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 61:**

All DOCUMENTS REFLECTING communications between or amongst you, I/P ENGINE, Andrew K. Lang, Donald M. Kosak, and/or the PREDECESSORS IN INTEREST that RELATE TO the PATENTS-IN-SUIT.

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**RESPONSE:**

Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Innovate/Protect also objects to this Request as overly broad, unduly burdensome and seeking irrelevant information to the extent that it contains no geographic or temporal limitations. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

**REQUEST FOR PRODUCTION NO. 62:**

All DOCUMENTS REFLECTING communications between or amongst you, I/P ENGINE, Andrew K. Lang, Donald M. Kosak, and/or the PREDECESSORS IN INTEREST that RELATE TO this Action.

**RESPONSE:**

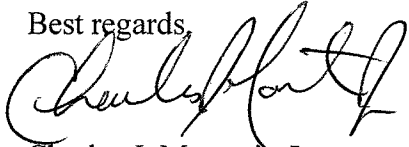
Innovate/Protect hereby incorporates its General Objections into this Response. Innovate/Protect objects to this Request to the extent it seeks documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Innovate/Protect also objects to this Request on the ground that it is overly broad and unduly burdensome to the extent that it seeks "all DOCUMENTS." Innovate/Protect further objects to this Request to the extent that it is duplicative and/or cumulative to requests served on parties in this Action and to the extent that it requests documents duplicative and/or cumulative to those already produced in this Action. Based on and without waiving the foregoing objections, Innovate/Protect does not possess any responsive information that is not in the possession, custody and control of I/P Engine.

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We look forward to further discussing Innovate/Protect's objections. In the meantime, please do not hesitate to contact us if you have any questions.

Best regards,



Charles J. Monterio Jr.  
(202) 420-5167  
MonterioC@dicksteinshapiro.com

CJM/BAH

cc: Stephen E. Noona  
Gerald F. Ivey  
Robert L. Burns  
Cortney Alexander  
Kenneth W. Brothers  
Jeffrey K. Sherwood  
DeAnna Allen