

EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

I/P ENGINE, INC.,

Plaintiff,

v.

AOL, INC., GOOGLE INC., IAC SEARCH &
MEDIA, INC., GANNETT COMPANY,
INC., and TARGET CORPORATION,

Defendants.

No. 2:11-cv-00512-RAJ-FBS

Jury Trial Demanded

**DEFENDANT GOOGLE INC.'S THIRD SET OF INTERROGATORIES TO PLAINTIFF
I/P ENGINE, INC.**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Google Inc. requests that Plaintiff I/P Engine, Inc. ("I/P Engine") respond to the following interrogatories in writing, under oath, and in accordance with the following instructions and definitions, within thirty (30) days from the date of service thereof. I/P Engine shall supplement all responses to these Interrogatories as required by the Federal Rules of Civil Procedure.

DEFINITIONS

1. "I/P ENGINE," "you," "your," and "PLAINTIFF" means Plaintiff I/P Engine, Inc., and its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other persons acting on behalf of any of the foregoing, and I/P Engine's affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestic, that are owned or controlled by I/P Engine, and all predecessors and successors in interest to such entities.

2. “‘664 PATENT” means U.S. Patent No. 6,775,664, entitled “Information Filter System and Method for Integrated Content-Based and Collaborative/Adaptive Feedback Queries,” all underlying patent applications, all continuations, continuations-in-part, divisionals, reissues, and any other patent applications in the ‘664 patent family.

3. “‘420 Patent” means U.S. Patent No. 6,314,420, entitled “Collaborative/Adaptive Search Engine,” all underlying patent applications, all continuations, continuations-in-part, divisionals, reissues, and any other patent applications in the ‘420 patent family.

4. “PATENTS-IN-SUIT” shall refer to the ‘664 PATENT and the ‘420 PATENT, individually and collectively.

5. “LYCOS” means Lycos, Inc.

6. “WISEWIRE” means WiseWire Corporation, formerly known as Empirical Media Corporation.

7. “GOOGLE” means Defendant Google Inc.

8. “DOCUMENT” shall include, without limitation, all written, graphic or otherwise recorded material, including without limitation, microfilms or other film records or impressions, electronically stored information regardless of the form of storage medium, tape recordings or computer cards, floppy disks or printouts, any and all papers, photographs, films, recordings, memoranda, books, records, accounts, communications, letters, telegrams, correspondence, notes of meetings, notes of conversations, notes of telephone calls, inter-office memoranda or written communications of any nature, recordings of conversations either in writings or upon any mechanical or electrical recording devices, including email, notes, papers, reports, analyses, invoices, canceled checks or check stubs, receipts, minutes of meetings, time sheets, diaries, desk calendars, ledgers, schedules, licenses, financial statements, telephone bills, logs, and any

differing versions of any of the foregoing, whether so denominated, formal, informal or otherwise, as well as copies of the foregoing which differ in any way, including by the addition of handwritten notations or other written or printed matter of any nature, from the original. The foregoing specifically includes information stored in a computer database and capable of being generated in documentary form, such as electronic mail.

9. “COMMUNICATION” shall mean, without limitation, any transmission, conveyance or exchange of a word, statement, fact, thing, idea, DOCUMENT, instruction, information, demand or question by any medium, whether by written, oral or other means, including but not limited to, electronic communications and electronic mail.

10. The term “PERSON” shall refer to any individual, corporation, proprietorship, association, joint venture, company, partnership or other business or legal entity, including governmental bodies and agencies.

11. “INFRINGEMENT” and “INFRINGEMENTMENT” means direct infringement, contributory infringement, infringement by inducement, literal infringement, and infringement by the doctrine of equivalents.

12. “PRIOR ART” shall mean the subject matter described in 35 U.S.C. §§ 102 and 103, including but not limited to publications, patents, physical devices, prototypes, uses, sales, and offers for sale, and any DOCUMENTS or OTHER ITEMS evidencing any of the foregoing.

13. “IDENTIFY” in relation to a person means to state his or her full name and: (a) present business address(es), position and business affiliation, and business telephone number; or, if current information is not known, (b) the last known business and home addresses, position and business affiliation, and business telephone numbers. Once any person has been identified

properly, it shall be sufficient thereafter when identifying that same person to state the name only.

14. “IDENTIFY” in relation to an entity means to state the entity’s: (a) full name; (b) state of incorporation; (c) current or last known business address; and (d) current or last known telephone number. Once an entity has been identified properly, it shall be sufficient thereafter when identifying that same entity to state the name only.

15. “IDENTIFY” in relation to a DOCUMENT means to state: (a) the date the DOCUMENT was created; (b) the author of the DOCUMENT; (c) the recipient of the DOCUMENT; (d) any person or entity receiving a copy of the DOCUMENT by “cc,” “bcc,” or otherwise; (e) a basic description of the nature of the DOCUMENT, including, if applicable; (f) the title of the DOCUMENT; and (g) whether the DOCUMENT has been or is being produced in this litigation, the dates or identifier number affixed to the DOCUMENT. DOCUMENTS to be “identified” include DOCUMENTS in I/P ENGINE’s possession, custody, or control, DOCUMENTS known by I/P ENGINE to have existed but no longer exist, and other DOCUMENTS of which I/P ENGINE has knowledge or information.

16. “IDENTIFY” in relation to a product or service means to state the product or service name, commercial or trade name, manufacturer, producer, or service provider, model or version number, part number, type, description, or any other representative designation.

17. “IDENTIFY” in relation to a COMMUNICATION means: (a) to state the date of the COMMUNICATION; (b) to identify all DOCUMENTS relating to such COMMUNICATIONS; (c) to describe the content and substance of the COMMUNICATION; (d) to identify the persons who received or were involved in the COMMUNICATION; and (e) to identify the person or persons most knowledgeable about the COMMUNICATION.

18. “REFLECT,” “REFLECTING,” “RELATE TO,” “REFER TO,” “RELATING TO,” and “REFERRING TO” shall mean relating to, referring to, concerning, mentioning, reflecting, pertaining to, evidencing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, or constituting (in whole or in part), as the context makes appropriate.

19. The term “ASSERTED CLAIMS” refers to each and every claim of the ‘664 PATENT and the ‘420 PATENT that I/P ENGINE contends that Google infringes.

20. The term “ACCUSED PRODUCTS” shall refer to each and every product that I/P ENGINE contends is directly infringing (or otherwise falling within, embodying, or meeting), or is inducing or contributing to the infringement of, any claim of the PATENTS-IN-SUIT.

21. “Include” and “including” shall mean including without limitation.

22. Use of the singular also includes the plural and vice-versa.

23. The words “or” and “and” shall be read in the conjunctive and in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of these Interrogatories.

24. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

INSTRUCTIONS

The following instructions shall apply to each of the Interrogatories herein:

1. In answering the following Interrogatories, furnish all available information, including information in the possession, custody, or control of any of PLAINTIFF’s attorneys, directors, officers, agents, employees, representatives, associates, investigators or division affiliates, partnerships, parents or subsidiaries, and persons under PLAINTIFF’s control, who have the best knowledge, not merely information known to PLAINTIFF based on PLAINTIFF’s

own personal knowledge. If you cannot fully respond to the following Interrogatories after exercising due diligence to secure the information requested thereby, so state, and specify the portion of each Interrogatories that cannot be responded to fully and completely. In the latter event, state what efforts were made to obtain the requested information and the facts relied upon that support the contention that the Interrogatories cannot be answered fully and completely; and state what knowledge, information or belief PLAINTIFF has concerning the unanswered portion of any such Interrogatories.

2. If any information requested is claimed to be privileged or otherwise immune from discovery, please provide all information falling within the scope of the Interrogatory which is not privileged, and for each item of information contained in a document to which a claim of privilege is made, identify such document with sufficient particularity for purposes of a motion to compel, such identification to include at least the following:

- (a) the basis on which the privilege is claimed;
- (b) the names and positions of the author of the information;
- (c) the name and position of each individual or other person to whom the information, or a copy thereof, was sent or otherwise disclosed;
- (d) the date of the information;
- (e) a description of any accompanying material transmitted with or attached to such information;
- (f) the number of pages in such document or information; and
- (g) whether any business or non-legal matter is contained or discussed in such information.

3. If PLAINTIFF's response to a particular Interrogatory is a statement that PLAINTIFF lacks the ability to comply with that Interrogatory, PLAINTIFF must specify whether the inability to comply is because the particular item or category of information never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in PLAINTIFF's possession, custody, or control, in which case the name and address of any person or entity known or believed by you to have possession, custody, or control of that information or category of information must be identified.

4. PLAINTIFF's obligation to respond to these Interrogatories is continuing and its responses are to be supplemented to include subsequently acquired information in accordance with the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

INTERROGATORIES

INTERROGATORY NO. 13

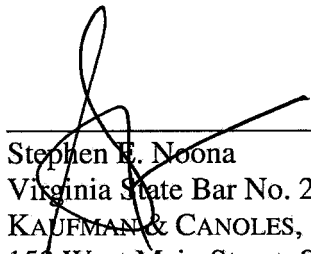
IDENTIFY each element of each ASSERTED CLAIM that YOU contend is not disclosed in each of the PRIOR ART references cited by GOOGLE in its supplementary response to Plaintiff's Interrogatory No. 8, served on February 13, 2012 (and any later supplementation or amendments thereto), and set forth in specific detail each fact, opinion, argument, inference, and DOCUMENT that supports YOUR contention (including the name, address, and telephone number of each PERSON who has firsthand knowledge or possession of each such fact, opinion, and DOCUMENT).

INTERROGATORY NO. 14

Set forth in specific detail each fact, opinion, argument, inference, and DOCUMENT that supports YOUR contention, if YOU so contend, that the PATENTS-IN-SUIT are not anticipated or rendered obvious by the PRIOR ART references cited by Google in its supplementary response to Plaintiff's Interrogatory No. 8, served on February 13, 2012 (including any

amendments or supplementation thereof), including the name, address and telephone number of each person who has firsthand knowledge or possession of each such fact, opinion, and DOCUMENT.

DATED: February 17, 2012



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CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2012, I will serve the foregoing by electronic mail to the following:


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