

EXHIBIT D

Jim Grossell

From: Jen Ghaussy
Sent: Thursday, July 19, 2012 9:25 AM
To: Monterio, Charles
Cc: zz-IPEngine; QE-IP Engine; AOL-IPEngine@finnegan.com; Stephen E. Noona
Subject: RE: I/P Engine v. AOL et. al. Notices of Deposition

Charles,

Thank you for confirming you will proceed on August 3. August 3 is the first available date we can make him available in those weeks. As you know, we previously offered to make Mr. Furrow available on July 16, and Plaintiff rejected that date.

Best,
Jen

From: Monterio, Charles [MonterioC@dicksteinshapiro.com]
Sent: Sunday, July 15, 2012 11:12 AM
To: Jen Ghaussy
Cc: zz-IPEngine; QE-IP Engine; AOL-IPEngine@finnegan.com; Stephen E. Noona
Subject: RE: I/P Engine v. AOL et. al. Notices of Deposition

Jen,

With respect to the deposition of Mr. Furrow, we can take the deposition on August 3. It is I/P Engine's current understanding that Mr. Furrow is not available any other date the weeks of July 23 or 30.

Charles

From: Jen Ghaussy [mailto:jenghaussy@quinnemanuel.com]
Sent: Thursday, July 12, 2012 4:56 PM
To: Monterio, Charles
Cc: zz-IPEngine; QE-IP Engine; AOL-IPEngine@finnegan.com; Stephen E. Noona
Subject: RE: I/P Engine v. AOL et. al. Notices of Deposition

Charles,

Thank you for confirming you do not intend to proceed on July 16. We have informed Mr. Furrow.

Mr. Furrow is not available on July 26, but he is available on August 3. Please let us know promptly whether August 3 works for Plaintiff.

Please note that our position regarding supplementation of any expert report by Plaintiff based on Mr. Furrow's deposition remains the same as expressed in my July 10 email below.

Thanks,
Jen

From: Monterio, Charles [mailto:MonterioC@dicksteinshapiro.com]
Sent: Thursday, July 12, 2012 12:54 PM
To: David Perlson; Jen Ghaussy
Cc: zz-IPEngine; QE-IP Engine; AOL-IPEngine@finnegan.com; Stephen E. Noona

Subject: RE: I/P Engine v. AOL et. al. Notices of Deposition

David,

With respect to the deposition of Mr. Furrow, we are not available Monday, July 16. We propose in the alternative Thursday, July 26.

Charles

From: David Perlson [mailto:davidperlson@quinnemanuel.com]
Sent: Thursday, July 12, 2012 11:33 AM
To: Jen Ghaussy; Monterio, Charles
Cc: zz-IPEngine; QE-IP Engine; AOL-IPEngine@finnegan.com; Stephen E. Noona
Subject: RE: I/P Engine v. AOL et. al. Notices of Deposition
Counsel, we have not yet received confirmation that Plaintiff intends to proceed with Mr. Furrow's deposition on July 16. Given the timing, we would appreciate Plaintiff informing us promptly of its intentions. In all events, if we do not obtain confirmation by 1 pm PT today, we will no longer be able to offer Mr. Furrow on July 16.

David

From: Jen Ghaussy
Sent: Tuesday, July 10, 2012 5:12 PM
To: Monterio, Charles
Cc: zz-IPEngine; QE-IP Engine; AOL-IPEngine@finnegan.com; Stephen E. Noona
Subject: RE: I/P Engine v. AOL et. al. Notices of Deposition

Charles,

Bartholomew Furrow is not available on your requested date. He is, however, available this Monday, July 16. Please confirm whether Plaintiff will proceed on this date. We note that the date in Plaintiff's notice Mr. Furrow was two weeks after the due date for Opening expert reports. Please be aware that to the extent that Plaintiff intends to depose Mr. Furrow after its Opening expert infringement report is due and supplement that report later, Google will object to any such supplementation.

Further, Plaintiff's attempt to notice the 30(b)(1) deposition of "the Google-employed marketing person that is primarily responsible for and most knowledgeable of Google's marketing of Google AdWords and AdSense for Search" is improper. A 30(b)(1) deposition notice must name an individual. See *Cummings v. General Motors Corp.*, 2002 WL 32713320, *6 (W.D. Okla. June 18, 2002) (FRCP 30(b)(1) "by its terms imposes no duty on the party receiving the notice to supply the identity of deponents described by class or group"). In addition, this notice is duplicative of the 30(b)(6) notices served on Google. Jonathan Alferness was the designee for the marketing-related topics; to the extent that Plaintiff has questions about Google's marketing, it had the opportunity to ask them in that nearly 10-hour-long deposition. Furthermore, pursuant to the parties' agreement, Plaintiff is entitled to the 30(b)(1) depositions only of witnesses whose names appear in Google's initial disclosures. As you know, your motion on in this issue is currently pending before the Court; no matter what the outcome, however, Plaintiff's attempt to use FRCP 30(b)(1) to reach a person "most knowledgeable" is improper.

Thank you,

Jen

From: Chagnon, Armands [mailto:ChagnonA@dicksteinshapiro.com]
Sent: Monday, July 09, 2012 3:06 PM
To: QE-IP Engine; Stephen E. Noona; 'AOL-IPEngine@finnegan.com'
Cc: zz-IPEngine
Subject: I/P Engine v. AOL et. al. Notices of Deposition

Counsel,

Attached please find the Notice of Deposition of Bartholomew Furrow and the Notice of Deposition of the Google-Employed Marketing Person Primarily Responsible for and Most Knowledgeable of Google's Marketing of Google Adwords and Adsense for Search.

Regards,
Armands

Armands Chagnon | Senior Paralegal
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