

# EXHIBIT 5

## Jim Grossell

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**From:** Joshua Sohn  
**Sent:** Tuesday, July 31, 2012 5:23 PM  
**To:** Monterio, Charles; zz-IPEngine  
**Cc:** QE-IP Engine; 'Stephen E. Noona'  
**Subject:** RE: I/P Engine v. AOL et al.: Google's Interrogatory No. 13

Charles,

It has now been nearly a full month since Defendants identified their additional prior art and provided their contentions as to why this prior art invalidates the asserted claims. Yet Plaintiff has still not supplemented its response to Interrogatory No. 13 to state its contentions as to why this prior art does *not* invalidate the asserted claims. By way of comparison, Defendants supplemented their non-infringement contentions more than a week ago. Please confirm Plaintiff will supplement its response to Interrogatory No. 13 by no later than COB this Friday, August 3.

**Joshua Sohn**  
*Associate,*  
**Quinn Emanuel Urquhart & Sullivan, LLP**

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**From:** Monterio, Charles [mailto:MonterioC@dicksteinshapiro.com]  
**Sent:** Thursday, July 19, 2012 12:39 PM  
**To:** Joshua Sohn; zz-IPEngine  
**Cc:** QE-IP Engine  
**Subject:** RE: I/P Engine v. AOL et al.: Google's Interrogatory No. 13

Josh,

In response to our teleconference of last evening, as Defendants only recently identified the additional prior art, I/P Engine will provide supplemental responses, to the extent necessary, in due course.

Charles

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**From:** Joshua Sohn [<mailto:Joshuasohn@quinnemanuel.com>]  
**Sent:** Tuesday, July 17, 2012 6:19 PM  
**To:** Monterio, Charles; zz-IPEngine  
**Cc:** QE-IP Engine  
**Subject:** I/P Engine v. AOL et al.: Google's Interrogatory No. 13

Dear Charles,

Google's Interrogatory No. 13 asks Plaintiff to identify every claim element that Plaintiff contends is not disclosed in the prior art references cited in Google's response(s) to Plaintiff's Interrogatory No. 8, and explain why Plaintiff contends that such elements are not disclosed by these prior art references. Plaintiff served its response to Interrogatory No. 13 on March 22, 2012.

On July 2, 2012, Google served its Third Supplemental Response to Plaintiff's Interrogatory No. 8, identifying three additional prior art references that Google contends invalidate the asserted claims. Thus, pursuant to the plain terms of Interrogatory No. 13, Plaintiff has a duty to supplement its response to Interrogatory No. 13 to set forth its contention of why these new prior art references do not invalidate the asserted claims. To date, we have not received a supplemental response to Interrogatory No. 13 that addresses these new references.

Given the upcoming expert report deadline, we request that Plaintiff provide a supplemental response to Interrogatory No. 13 no later than COB this Friday, July 20.

Sincerely,

Josh Sohn

**Joshua Sohn**  
*Associate,*  
**Quinn Emanuel Urquhart & Sullivan, LLP**

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