

# EXHIBIT B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

I/P ENGINE, INC.,

Plaintiff,

v.

AOL, INC. et al.,

Defendants.

Civ. Action No. 2:11-cv-512

**CONFIDENTIAL-OUTSIDE  
COUNSEL ONLY**

**DEFENDANT GOOGLE INC.'S THIRD SUPPLEMENTAL OBJECTIONS AND  
RESPONSES TO PLAINTIFF I/P ENGINE, INC.'S FOURTH SET OF  
INTERROGATORIES (NO. 15)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Google Inc. hereby further objects and responds in writing to I/P Engine, Inc.'s Fourth Set of Interrogatories as served on June 14, 2012.

**GENERAL OBJECTIONS**

Google makes the following general objections to each and every definition, instruction, and interrogatory made in I/P Engine's First Interrogatories to Google. Each of these objections is incorporated into the Specific Objections set forth below, whether or not separately set forth therein. By responding to any of the interrogatories or failing to specifically refer to or specify any particular General Objection in response to a particular interrogatory, Google does not waive any of these General Objections, nor admit or concede the appropriateness of any purported interrogatory or any assumptions contained therein.

1. Nothing in these responses should be construed as waiving rights or objections that might otherwise be available to Google nor should Google's responses to any of these

interrogatories be deemed an admission of relevancy, materiality, or admissibility in evidence of the interrogatory or the response thereto.

2. Google objects to each interrogatory to the extent that it seeks the disclosure of information protected from disclosure by the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or protection as provided by law. Google will not produce such privileged or protected information, and any inadvertent disclosure of any privileged or protected information should not be deemed a waiver of any privilege.

3. Google objects to each interrogatory, and to the definitions and instructions, to the extent it purports to impose upon Google obligations broader than, or inconsistent with, the Federal Rules of Civil Procedure or the Local Rules and Orders of this Court.

4. Google objects to each interrogatory, and to the definitions and instructions, to the extent that they are overbroad, vague and ambiguous, unduly burdensome and oppressive, in purporting to require Google to search facilities and inquire of employees other than those facilities and employees that could reasonably be expected to have responsive information, or produce information outside a relevant time period or unrelated to the asserted claims of the patent-in-suit. Google also will not produce information that is not in its possession, custody or control.

5. Google objects to each interrogatory to the extent it seeks information already in I/P Engine's possession or equally available to I/P Engine from other sources that are more convenient, less burdensome and/or less expensive.

6. Google objects to each interrogatory and to the definitions and instructions included therewith pursuant to Federal Rule of Civil Procedure 26(b)(2)(i) to the extent that it

purports to require the disclosure of information that is more readily available and/or more appropriately obtainable through other means of discovery.

7. Google objects to each interrogatory to the extent that it is compound and/or is comprised of subparts constituting more than one interrogatory, particularly in view of I/P Engine's instructions with respect to each "subpart" of each interrogatory as each subpart properly counts as separate interrogatories against the limit of interrogatories for I/P Engine in this case.

8. Google objects to each interrogatory, and to the definitions and instructions included therewith, to the extent they seek proprietary, trade secret or other confidential or competitively sensitive business information. Subject to Local Rule 26.2, Google will only produce such relevant, non-privileged information subject to adequate protections for Google's confidential, trade secret and/or proprietary business or technical information via a protective order entered by the Court in this action.

9. Google objects to each interrogatory, and to the definitions and instructions included therewith, to the extent that it purports to require Google to disclose private or personally-identifiable information of its users.

10. Google objects to each interrogatory, and to the definitions and instructions included therewith, to the extent that it purports to require Google to disclose information that is subject to any protective order, privacy interest, contractual obligation, or other confidentiality obligation owed to any third party.

11. Google objects to each interrogatory to the extent that such interrogatory prematurely seeks the production of information and documents in advance of the dates set by the Federal Rules of Civil Procedure, the Local Rules, or any orders entered by this Court.

12. Google objects to each interrogatory as premature and unduly burdensome to the extent that it seeks information likely to depend on construction of claim terms and/or expert analysis of the patent-in-suit, the deadlines for which have not yet been set.

13. Google objects to each interrogatory as premature and unduly burdensome to the extent that it seeks discovery regarding non-infringement of any claim(s) of the patent-in-suit for which I/P Engine has not provided a substantive contention that Google practices every element of such claim(s).

14. Google objects to each interrogatory as unduly burdensome to the extent it seeks information about every version or release of purportedly accused technology or functionality. The burden and expense associated with producing such information grossly outweighs its benefit and relevance.

15. Google objects to I/P Engine's definition of "Google" as overly broad and unduly burdensome, to the extent that includes current and past offices, directors, agents, employees, consultants, attorneys, and others acting on Google's behalf.

16. Google objects to I/P Engine's definitions of the terms "Identify," "Describe," and "Communication" as vague, overbroad, unduly burdensome, and oppressive.

17. Google objects to I/P Engine's definitions of the term "Search Technology incorporating User Feedback," as vague, overbroad, unduly burdensome, and oppressive. In particular, it is not clear what "considering how well search results match the user's search query" and "using data relating to other users' feedback to the search result" refer to. To the extent it is meant to refer to the accused products as defined elsewhere in I/P Engine's requests, Google objects on the ground that it cannot be expected to identify every "search system" any part of which "utilize[s] a calculation, algorithm, value or score that uses, in some way, user

feedback to determine search results” regardless of relevance. The burden and expense associated with producing such information grossly outweighs its benefit and relevance.

18. Google objects to I/P Engine’s definitions of the term “Relevance Score,” as vague, overbroad, unduly burdensome, and oppressive. In particular, it is not clear what “any variable, score, and/or value” and “systems utilizing a calculation, algorithm, value or score” refer to. To the extent it is meant to refer to systems other than Google’s AdWords system and AdSense for Search system, Google objects on the ground that it cannot be expected to identify every system of which any part of which meets I/P Value’s broad defining factors, regardless of relevance. The burden and expense associated with producing such information grossly outweighs its benefit and relevance.

19. Google objects to each interrogatory, definition, and instruction to the extent the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

20. Google responds to these interrogatories based upon its current understanding and reserves the right to supplement its responses if any additional information is identified at a later time and to make any additional objections that may become apparent.

21. Each of Google’s responses to these interrogatories are made subject to and without waiving, limiting, or intending to waive:

- A. each of the above-stated general objections and reservations;
- B. the right to object on the grounds of competency, privilege, relevancy, or materiality, or any other proper grounds, to the use of the documents or information, for any

purpose, in whole or in part, in any subsequent step or proceeding in this action or any other action;

C. the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of the present litigation; and

D. the right at any time to revise, correct, and add to or clarify any of the responses herein.

22. At any point, by responding to these interrogatories, Google does not waive or intend to waive, but expressly reserves, all of its statements, reservations, and objections, both general and specific, set forth in these responses, even though Google may in some instances disclose information over the statements, reservations, and objections contained herein.

#### **STATEMENT ON SUPPLEMENTATION**

Google's investigation in this action is ongoing, and Google reserves the right to rely on and introduce information in addition to any information provided herein at the trial of this matter or in other related proceedings. Google has yet to receive complete discovery responses from I/P Engine. In addition, I/P Engine has yet to identify in a coherent way how it contends Google infringes the asserted claims of the Patents-in-Suit. Google anticipates that facts it learns later in the litigation may be responsive to one or more of the interrogatories and Google reserves its right to supplement these interrogatories at appropriate points throughout this litigation without prejudice and/or to otherwise make available to I/P Engine such information. Google also reserves the right to change, modify or enlarge the following responses based on additional information, further analysis, and/or in light of events in the litigation such as rulings by the

Court. Google reserves the right to rely on or otherwise use any such amended response for future discovery, trial or otherwise.

### **SPECIFIC OBJECTIONS AND RESPONSES**

Google expressly incorporates the above objections as though set forth fully in response to each of the following individual interrogatories, and, to the extent that they are not raised in the particular response, Google does not waive those objections.

#### **INTERROGATORY NO. 15:**

For Google's U.S. Based Properties, from January 1, 2002 to the present, provide a chart identifying (in U.S. dollars) actual gross and net profits and losses and Google's costs on a monthly or quarterly basis, associated with the Accused Products, identifying all documents and other evidence Google will rely upon to support its response and each person who will testify as a witness at trial in support of Google's contention.

#### **RESPONSE TO INTERROGATORY NO. 15:**

Google incorporates here its General Objections above by this reference. Google objects to this interrogatory on the grounds that: (i) it is overbroad and unduly burdensome; (ii) it is vague and ambiguous with respect to the phrases "Google's U.S. Based Properties" and "associated with the Accused Products"; (iii) it seeks information that is irrelevant, immaterial or not reasonably calculated to the discovery of admissible evidence; (iv) it is premature including because Plaintiff has disclosed no theory of damages; (v) is not limited to a relevant scope of time; and (vi) is duplicative of other discovery requests previously served. Google further objects to this interrogatory to the extent it seeks discovery of information protected from disclosure by the attorney-client privilege, the work-product doctrine, the common interest or



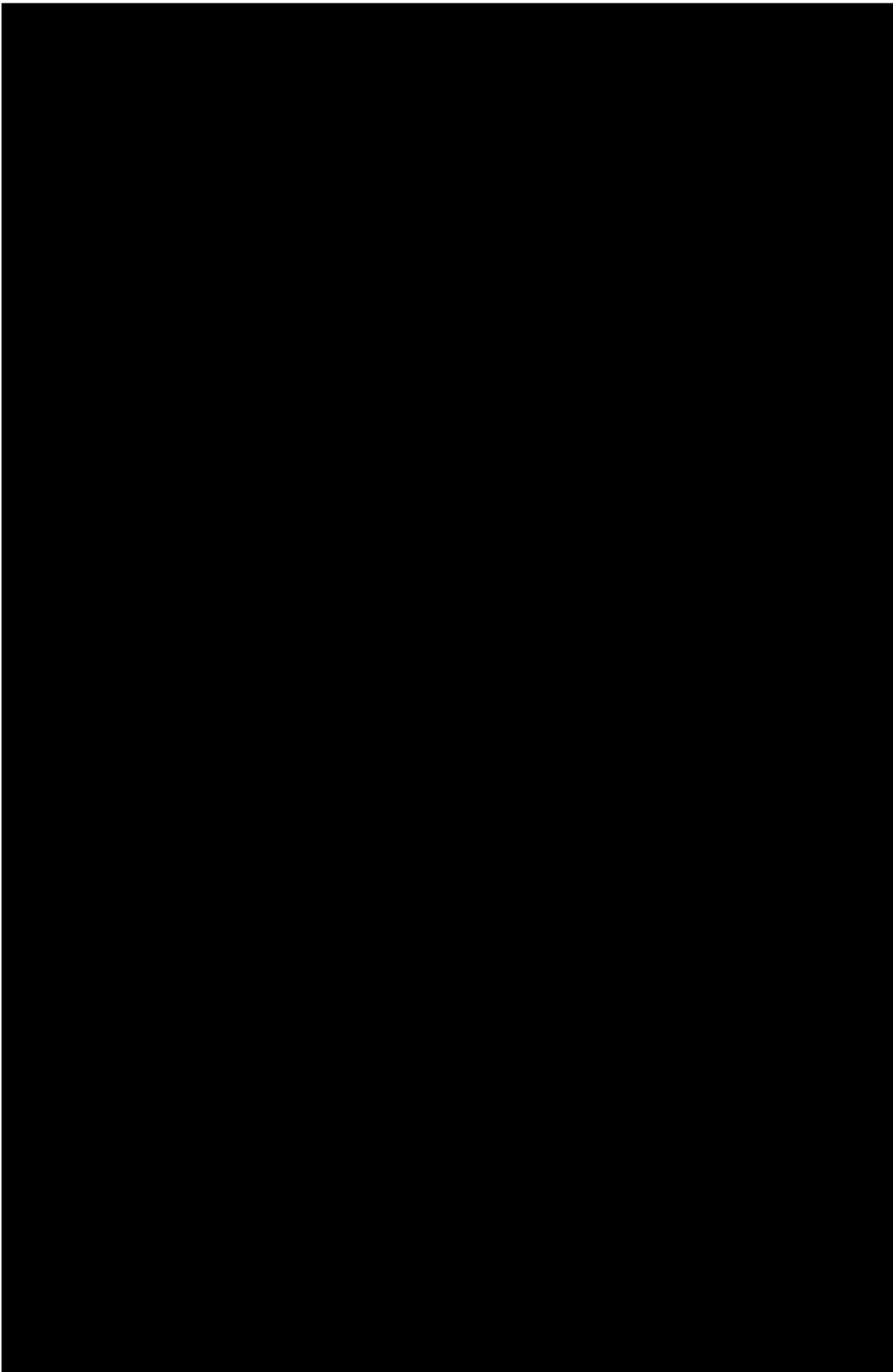
joint defense privilege, or other privilege or immunity. Google further objects to this interrogatory to the extent that it seeks proprietary, trade secret or other confidential or competitively sensitive business information.

Subject to the foregoing general and specific objections, Google responds that in accordance with Federal Rule of Civil Procedure 33(d), Google identifies the following documents: G-IPE-0218431-48, G-IPE-0218778-81, G-IPE-0867397, G-IPE-0867398, G-IPE-0867399, G-IPE-0867400, and G-IPE-0867401-403.

Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No. 15, including during expert discovery.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:

Subject to the foregoing general and specific objections, Google further responds as follows:



Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No. 15, including during expert discovery.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:

Subject to the foregoing general and specific objections, Google further responds as follows:



Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No. 15, including during expert discovery.

DATED: September 13, 2012

*/s/ David A. Perlson*

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2012, I will cause to be served the foregoing by

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