

# EXHIBIT L

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

I/P ENGINE, INC.,	)	
	)	
	)	
Plaintiff,	)	
v.	)	Civ. Action No. 2:11-cv-512
	)	
AOL, INC. et al.,	)	
	)	<b>CONFIDENTIAL OUTSIDE</b>
	)	<b>COUNSEL ONLY</b>
Defendants.	)	
	)	

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

Plaintiff I/P Engine, Inc. (“I/P Engine”) directs the following Interrogatories to Defendant Google Inc. (“Google”) to be answered in accordance with Rule 33 of the Federal Rules of Civil Procedure and Rule 26 of the Local Rules of the United States District Court for the Eastern District of Virginia. Google is required to answer these Interrogatories separately and fully in writing, under oath, and to serve a copy of its answers upon counsel for I/P Engine, Dickstein Shapiro LLP, 1825 Eye Street, N.W., Washington, D.C. 20006. These Interrogatories are to be interpreted and answered in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, the Judge’s procedures, and the Instructions and Definitions below.

**INSTRUCTIONS**

1. In answering these Interrogatories, Google (as defined below) is required to furnish under oath all information that is in its possession, custody or control, or otherwise available to Google (as defined below), including information in the possession of its present and former attorneys.
  
2. Each Interrogatory shall be accorded a separate answer.

3. Estimates or approximations should be given when, but only when, precise data cannot be supplied.

4. The source, sources or derivation of each answer should be separately set forth and identified with a description sufficient for use in a subpoena duces tecum, unless the person signing the answers to the Interrogatories under oath knows of his or her personal and direct knowledge of the facts or information forming the basis of all answers given.

5. For each document and thing produced in response to these Interrogatories, identify the individual from whose files the document was produced or, if the identity of the person is not known, identify the unit, group or department from whose files the document was produced.

6. If any interrogatory cannot be answered in full, it should be answered to the extent possible, and accompanied with an explanation as to (a) the nature of the information or knowledge that cannot be furnished; and (b) why the remainder cannot be answered.

7. These Interrogatories shall be deemed continuing so as to require supplemental answers pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.

8. Google (as defined below) must comply with all other requirements contained in Rule 26 of the Federal Rules of Civil Procedure.

9. In answering the following Interrogatories, if privilege or immunity is alleged as to information or documents, or if an interrogatory is otherwise not answered in full, Google (as defined below) shall state the specific grounds for not answering in full, identify, as that term is defined herein, all information or documents for which privilege or immunity is claimed, and shall answer the interrogatory to the extent to which it is not objected to.

## DEFINITIONS

A. “Defendant Google Inc.” means the Defendant in this lawsuit, Google Inc. and includes its respective predecessors, subsidiaries, divisions, parents or otherwise related entities and/or divisions thereof, and includes directors, officers, present and former employees, agents, representatives and attorneys of such entities and/or divisions thereof.

B. “I/P Engine” means the Plaintiff in this lawsuit, I/P Engine, Inc.

C. “Person” is defined as any natural person or any business, legal, or governmental entity or association.

D. “Director,” “officer,” “employee,” “agent,” and “representative” means any individual serving as such and any individual serving at any relevant time in such capacity, even though no longer serving in such capacity. Google’s “representatives” refers to and includes Google’s officers, directors, agents, employees, attorneys, and consultants.

E. “Date” means the exact day, month and year, if ascertainable, or, if not, the best approximation (including relationship to other events).

F. The terms “relating to” and “referring to” shall be interpreted so as to encompass the scope of discovery set forth in Rule 26(b) of the Federal Rules of Civil Procedure.

G. “Document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Rule 34 of the Federal Rules of Civil Procedure and Local Rule 26 of the Court. A draft, non-identical copy, or version bearing any annotation or marking is a separate document within the meaning of this term.

H. “Identify,” “identification,” “describe,” or “description” mean:

(i) “Identify” (with respect to person) means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person,

additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

(ii) "Identify" (with respect to a document) means to give, to the extent known,

(a) type of document;

(b) general subject matter;

(c) date of document; and

(d) author(s), addressee(s), and recipient(s),

(e) for documents that have existed but are no longer existing, include the type of document, the identity of its last known custodian, and the date on and circumstances under which the document was lost, destroyed, or otherwise became unavailable;

(f) for documents no longer in your possession, custody or control, or the possession, custody or control of your agents (including, but not limited to, attorneys) include the date on and circumstances under which the document was disposed of, destroyed, surrendered from or otherwise left your possession, custody or control, the identity of its present (or last known) custodian and the location of such document, if known; and

(g) in lieu of identification of a document, you may, simultaneously with the filing of your answers to these Interrogatories, produce such document for inspection and copying by Plaintiff, at the office of Plaintiff's counsel, Dickstein Shapiro LLP, 1825 Eye Street, N.W., Washington, D.C. 20006, provided that such

document is segregated in such a way as to indicate the particular Interrogatory to which it is responsive.

(iii) “Identify” (with respect to communications) means to give the date of such communication, the identification of each party to the communication, the place at which each party was located, the substance thereof and the method of such communications (e.g., in person, by telephone, by electronic mail or otherwise).

(iv) “Identify” (with respect to an oral statement (including a conversation, conference, or other oral contact)) means to identify all persons making the statement, all persons to whom such statement was made, and all other persons present at the time of such statement; state the date of such statement; state the place where such statement was made, or if by telephone, the person participating in the telephone call, the person making the call, and the places where the persons participating in the call were located; and state the substance of such statement.

I. “Describe” and/or “state” means to set forth fully and unambiguously every fact relevant to the subject of the Interrogatory, of which you (including your agents and representatives) have knowledge or information.

J. “Concerning” means referring to, describing, evidencing, or constituting.

K. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

L. Any word written in the singular herein shall be construed as plural or vice versa when necessary to facilitate the response to any Interrogatory.

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

N. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the Interrogatory all responses which otherwise might be construed to be outside its scope.

O. “Accused Products” means Google AdWords, Google AdSense for Search and Google AdSense for Mobile Search.

P. “pCTR” means a predicted click-through rate generated by SmartASS.

Q. “SmartASS” means Google’s machine learning system as referred to, for example, in G-IPE-0223584.

## INTERROGATORIES

### INTERROGATORY NO. 18

Identify and explain any differences that Google intends to rely upon as evidence of non-infringement between (a) the operation of the Accused Products (at any time from 2004 to the present) and (b) the operation of the Accused Products as described in G-IPE-0223566-99.

### INTERROGATORY NO. 19

Identify every [REDACTED]” (*see e.g.*, G-IPE-0223579) used by Google between 2004 and the present, providing the dates of use for each [REDACTED] including any inter-relationships (*see e.g.*, G-IPE-0223579) of each.

### INTERROGATORY NO. 20

Identify all [REDACTED], on an annual or quarterly basis, used to calculate pCTR [REDACTED] (*see e.g.*, G-IPE-0223567) from 2004 to the present, and for each [REDACTED]

[REDACTED]  
[REDACTED]

**INTERROGATORY NO. 21**

Identify all [REDACTED] on an annual or quarterly basis, used to calculate pCTR [REDACTED] (see e.g., G-IPE-0223568) from 2004 to the present, and for each [REDACTED] [REDACTED] [REDACTED]

**INTERROGATORY NO. 22**

Identify all [REDACTED] on an annual or quarterly basis, used to calculate pCTR [REDACTED] (see e.g., G-IPE-0223568) from 2004 to the present, and for each [REDACTED] [REDACTED] [REDACTED]

**INTERROGATORY NO. 23**

Identify all [REDACTED], on an annual or quarterly basis, used to calculate pCTR [REDACTED] referenced by Mr. Glen Alferness during his June 21, 2012 deposition) from 2004 to the present, and for each [REDACTED] [REDACTED] [REDACTED]

**INTERROGATORY NO. 24**

If Google’s response to any of I/P Engine’s First Set of Requests for Admission to Defendant Google Inc. is anything other than an admission, identify and fully explain the reasons and basis for Google’s response.



**INTERROGATORY NO. 25**

Identify the first date that Google introduced a pCTR, generated by SmartASS, into its Accused Products.

Dated: August 1, 2012

By: /s/ Charles J. Monterio, Jr.  
Jeffrey K. Sherwood  
Frank C. Cimino, Jr.  
Kenneth W. Brothers  
Dawn Rudenko Albert  
Charles J. Monterio, Jr.  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201

Donald C. Schultz  
W. Ryan Snow  
CRENSHAW, WARE & MARTIN PLC  
150 West Main Street  
Norfolk, VA 23510  
Telephone: (757) 623-3000  
Facsimile: (757) 623-5735

Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of August, 2012, the foregoing **PLAINTIFF I/P ENGINE, INC.'S FIFTH SET OF INTERROGATORIES TO DEFENDANT GOOGLE INC.**, was served via electronic mail, on the following:

Stephen Edward Noona  
Kaufman & Canoles, P.C.  
150 W Main St  
Suite 2100  
Norfolk, VA 23510  
[senoona@kaufcan.com](mailto:senoona@kaufcan.com)

David Bilsker  
David Perlson  
Quinn Emanuel Urquhart & Sullivan LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
[davidbilsker@quinnemanuel.com](mailto:davidbilsker@quinnemanuel.com)  
[davidperlson@quinnemanuel.com](mailto:davidperlson@quinnemanuel.com)

Robert L. Burns  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190  
[robert.burns@finnegan.com](mailto:robert.burns@finnegan.com)

Cortney S. Alexander  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
3500 SunTrust Plaza  
303 Peachtree Street, NE  
Atlanta, GA 94111  
[cortney.alexander@finnegan.com](mailto:cortney.alexander@finnegan.com)

/s/ Armands Chagnon