

EXHIBIT N

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

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

CONFIDENTIAL-OUTSIDE COUNSEL
ONLY

**DEFENDANT GOOGLE INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFF I/P
ENGINE, INC.'S FIFTH SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Google Inc. hereby objects and responds in writing to I/P Engine, Inc.'s Fifth Set of Interrogatories as served on August 1, 2012.

GENERAL OBJECTIONS

Google makes the following general objections to each and every definition, instruction, and interrogatory made in I/P Engine's Fifth 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 they purport 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 a separate interrogatory 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 the 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 as premature and unduly burdensome to the extent that it seeks information likely to depend on expert analysis of the patents-in-suit, which is not complete.

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

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

14. Google objects to I/P Engine's definition of the terms "Accused Products," "pCTR" and "SmartASS" as vague, overbroad, unduly burdensome, and oppressive.

15. 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.

16. 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.

17. 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.

18. 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 anticipates that facts it learns later in the litigation, specifically during expert discovery, 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.

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.

RESPONSE TO INTERROGATORY NO. 18:

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, and seeks information that is irrelevant, immaterial or not reasonably calculated to lead to the discovery of admissible evidence; particularly in seeking “any differences” from 2004 to the present in operation of Accused Products in the entire document without identifying any specific portions of the document; (ii) it is vague and ambiguous, particularly with respect to the terms and phrases “differences” “rely upon,” “evidence” “the operation of the Accused Products,” and “the operation of the Accused Products as described in G-IPE-0223566-99” and times focused on (iii) it calls for information that may be the subject of expert testimony before the parties have completed expert discovery and/or exchanged expert witness reports; and (iv) it calls for legal conclusion. 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 as compound.

Subject to the foregoing general and specific objections, Google directs Plaintiff to the following documents that may be pertinent to the issue of the operation of AdWords and

AdSense for Search and why AdWords and AdSense for Search do not infringe the patents-in-suit, although Google cannot be certain of the pertinence of these documents because of deficiencies in Plaintiff's interrogatory detailed in the general and specific objections: Google's responses and supplemental responses to Interrogatory Nos. 6 and 7 as served on December 7, 2011, February 13, 2012, March 30, 2012, and July 23, 2012; the Report of Defendants' Expert Lyle H. Ungar, Ph.D., Concerning Noninfringement as served on August 30, 2012; and the testimony regarding the document produced under Bates range G-IPE-0223566-99 (marked Alferness 1) from the deposition of Jonathan Alferness on June 21, 2012.

Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No. 18, including during expert discovery.

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.

RESPONSE TO INTERROGATORY NO. 19:

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, and it seeks information that is irrelevant, immaterial or not reasonably calculated to lead to the discovery of admissible evidence, particularly in seeking information on every [REDACTED] [REDACTED] from 2004 to the present; (ii) it is vague and ambiguous, particularly with respect to the terms and phrases [REDACTED] [REDACTED] used by Google," [REDACTED] and "any inter-relationships" and times

focused on; (iii) it calls for information that may be the subject of expert testimony before the parties have completed expert discovery and/or exchanged expert witness reports; and (iv) it calls for legal conclusion. 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 as compound.

Subject to the foregoing general and specific objections, as the document Plaintiff cites refers to, [REDACTED]

[REDACTED] Google further directs Plaintiff to the Report of Defendants' Expert Lyle H. Ungar, Ph.D., Concerning Noninfringement as served on August 30, 2012 and the testimony in the deposition of Jonathan Alferness on June 21, 2012, the deposition of Bartholomew Furrow on August 3, 2012, the deposition of Derek Cook on August 17, 2012, and the deposition of Gary Holt on August 23, 2012. Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No. 19, including during expert discovery.

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 [REDACTED]

RESPONSE TO INTERROGATORY NO. 20:

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, and it seeks information that is irrelevant, immaterial or not reasonably calculated to the discovery of admissible evidence, particularly in seeking information about [REDACTED] from 2004 to the present; (ii) it is vague and ambiguous, particularly with respect to the terms and phrases [REDACTED] “used to calculate pCTR [REDACTED] [REDACTED] [REDACTED] and times focused on; (iii) it calls for information that may be the subject of expert testimony before the parties have completed expert discovery and/or exchanged expert witness reports; and (iv) it calls for legal conclusion. 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 as compound.

Subject to the foregoing general and specific objections, and to the extent it understands the interrogatory, Google directs Plaintiff to the following documents previously produced by Google that may be pertinent to the issue [REDACTED] Exhibits 2, 3 and 5 of the August 3, 2012 Deposition of Bartholomew Furrow and any related discussions of these Exhibits during the deposition; Exhibit 2 of August 23, 2012 Deposition of Gary Holt and any related discussion of this Exhibit during the deposition; Exhibit 1 of the August 17, 2012 Deposition of Derek Cook and any related discussion of this Exhibit during the deposition.

Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No. 20, including during expert discovery.

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]

RESPONSE TO INTERROGATORY NO. 21:

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, and it seeks information that is irrelevant, immaterial or not reasonably calculated to the discovery of admissible evidence, particularly in seeking information about [REDACTED] from 2004 to the present; (ii) it is vague and ambiguous, particularly with respect to the terms and phrases [REDACTED] “used to calculate pCTR [REDACTED]

[REDACTED]

and times focused on; (iii) it calls for information that may be the subject of expert testimony before the parties have completed expert discovery and/or exchanged expert witness reports; and (iv) it calls for legal conclusion. 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 as compound.

Subject to the foregoing general and specific objections, and to the extent it understands the interrogatory, Google directs Plaintiff to the following documents previously produced by Google which describe the [REDACTED]

[REDACTED]

although Google cannot be certain of the pertinence of these documents because of deficiencies in Plaintiff's interrogatory detailed in the general and specific objections: Exhibits 1, 3, 4 and 5 of the August 3, 2012 Deposition of Bartholomew Furrow and any related discussions of these Exhibits during the deposition; Exhibit 3 of August 23, 2012 Deposition of Gary Holt and any related discussion of this Exhibit during the deposition.

Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No. 21, including during expert discovery.

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]

RESPONSE TO INTERROGATORY NO. 22:

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, and it seeks information that is irrelevant, immaterial or not reasonably calculated to the discovery of admissible evidence, particularly in seeking information about [REDACTED] from 2004 to the present; (ii) it is vague and ambiguous, particularly with respect to the terms and

phrases [REDACTED] “used to calculate pCTR [REDACTED]
[REDACTED] and times
focused on; (iii) it calls for information that may be the subject of expert testimony before the
parties have completed expert discovery and/or exchanged expert witness reports; and (iv) it
calls for legal conclusion. 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 as compound.

Subject to the foregoing general and specific objections, and to the extent it understands
the interrogatory, Google directs Plaintiff to the following documents previously produced by
Google which describe [REDACTED]
[REDACTED] although
Google cannot be certain of the pertinence of these documents because of deficiencies in Plaintiff’s
interrogatory detailed in the general and specific objections: Exhibits 1, 3, 4 and 5 of the August
3, 2012 Deposition of Bartholomew Furrow and any related discussions of these Exhibits during
the deposition; Exhibit 3 of August 23, 2012 Deposition of Gary Holt and any related discussion
of this Exhibit during the deposition.

Google reserves its right to supplement, revise or render more specific its responses to
Interrogatory No. 22, including during expert discovery.

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]

RESPONSE TO INTERROGATORY NO. 23:

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, particularly in seeking information about [REDACTED]” from 2004 to the present; (ii) it is vague and ambiguous, and it seeks information that is irrelevant, immaterial or not reasonably calculated to the discovery of admissible evidence, particularly with respect to the terms and phrases [REDACTED] “used to calculate pCTR [REDACTED] [REDACTED] referenced by Mr. Glen Alferness during his June 21, 2012 deposition,” [REDACTED]

[REDACTED]

[REDACTED] and times focused on; (iii) it calls for information that may be the subject of expert testimony before the parties have completed expert discovery and/or exchanged expert witness reports; and (iv) it calls for legal conclusion. 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 as compound.

Subject to the foregoing general and specific objections, and to the extent that it understands the interrogatory, Google responds that Google understand that what Plaintiff refers [REDACTED] Accordingly, Google refers Plaintiff to the Response to Interrogatory No. 21.

[REDACTED] [REDACTED] [REDACTED]

Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No. 23, including during expert discovery.

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.

RESPONSE TO INTERROGATORY NO. 24:

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, particularly in seeking all documents and persons and in that it seeks detail on 35 separate Requests for Admission; (ii) it is vague and ambiguous, and it seeks information that is irrelevant, immaterial or not reasonably calculated to the discovery of admissible evidence, particularly with respect to the terms and phrases "Google's response," "anything other than an admission," "identify," "fully explain," "reasons," and "basis;" (iii) it calls for information that may be the subject of expert testimony before the parties have completed expert discovery and/or exchanged expert witness reports; and (iv) it calls for legal conclusion. 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 as compound. Google further objects to this interrogatory as exceeding the limitation on the number of interrogatories allowed under Federal Rule of Civil Procedure 33(a) as it calls for a separate response for each of the 35 requests included in I/P Engine's First Set of Requests for Admission. Google objects to this

interrogatory as seeking to avoid Google's objections to Requests for Admission through an interrogatory. Google reserves its right to supplement, revise or render more specific its responses to Interrogatory No.24, including during expert discovery.

INTERROGATORY NO. 25:

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

RESPONSE TO INTERROGATORY NO. 25:

Google incorporates here its General Objections above by this reference. Google objects to this interrogatory on the grounds that: (i) it is unduly burdensome; (ii) it is vague and ambiguous, and it seeks information that is irrelevant, immaterial or not reasonably calculated to the discovery of admissible evidence, particularly with respect to the terms and phrases "introduced," "Google," "a pCTR," "generated by SmartASS," and "into its Accused Products;" (iii) it calls for information that may be the subject of expert testimony before the parties have completed expert discovery and/or exchanged expert witness reports; and (iv) it calls for legal conclusion. 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.

Subject to the foregoing general and specific objections, Google responds that Google first introduced pCTR, generated by Smart Ads, into AdWords and AdSense for Search in approximately 2004. Google first introduced pCTR, generated by Smart Ads, into AdSense for Mobile Search in approximately 2009.

Google reserves its right to supplement, revise or render more specific its response to Interrogatory No. 25, including during expert discovery.

DATE: September 4, 2012

By: /s/ David A. Perlson
David Bilsker
davidbilsker@quinnemanuel.com
David Perlson
davidperlson@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
415-875-6600
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Stephen E. Noona
senoona@kaufcan.com
KAUFMAN & CANOLES, P.C.
150 West Main Street
Post Office Box 3037
Norfolk, VA 23514
Telephone: (757) 624.3000
Facsimile: (757) 624.3169

Counsel for Defendant
GOOGLE, INC.

CERTIFICATE OF SERVICE

On September 4, 2012, I caused to be served the foregoing *Defendant Google Inc.'s Objections and Responses to Plaintiff I/P Engine, Inc.'s Fifth Set of Interrogatories* by email, on Plaintiff's counsel of record.

Dated: September 4, 2012

By: /s/ Margaret Kammerud
Margaret Kammerud
QUINN EMANUEL URQUHART &
SULLIVAN LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
415-875-6600
Telephone: (415) 875-6600
Facsimile: (415) 875-6700