

# EXHIBIT O

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

**RESTRICTED CONFIDENTIAL –  
SOURCE CODE**

**DEFENDANT GOOGLE INC.'S SUPPLEMENTAL 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. 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 [REDACTED]

[REDACTED]

[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] 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 of [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

[REDACTED]

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.

**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20:**

Subject to Google’s foregoing specific and general objections, and while it is unclear what Plaintiff’s interrogatory seeks, in Dr. Frieder’s Updated Expert Report served on September

4, 2012, he identifies [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[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 [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 [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.

**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21:**

Subject to Google's foregoing specific and general objections, while it is unclear what Plaintiff's interrogatory seeks, Defendants identify below the dates [REDACTED]

identified by Dr. Frieder in his Updated Expert Report served on September 4, 2012, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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 [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 [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.

**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 22:**

Subject to Google’s foregoing specific and general objections, while it is unclear what Plaintiff’s interrogatory seeks, Defendants identify below the dates that [REDACTED]

identified by Dr. Frieder in his Updated Expert Report served on September 4, 2012, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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 [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] 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 [REDACTED] [REDACTED] Accordingly, Google refers Plaintiff to the Response to Interrogatory No. 21.

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

**FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 23:**

Subject to Google’s foregoing specific and general objections, while it is unclear what Plaintiff’s interrogatory seeks, Google refers Plaintiff to the First Supplemental Response to Interrogatory No. 21.

DATE: September 14, 2012

By: /s/ David A. Perlson  
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*Counsel for Defendant*  
GOOGLE, INC.

**CERTIFICATE OF SERVICE**

On September 14, 2012, I caused to be served the foregoing *Defendant Google Inc.'s Supplemental Objections and Responses to Plaintiff I/P Engine, Inc.'s Fifth Set of Interrogatories* by email, on Plaintiff's counsel of record.

Dated: September 14, 2012

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