

# EXHIBIT P

## Jen Ghaussy

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**From:** Jen Ghaussy  
**Sent:** Wednesday, September 19, 2012 7:59 PM  
**To:** 'Monterio, Charles'  
**Cc:** 'zz-IPEngine'; QE-IP Engine; 'senoona@kaufcan.com'  
**Subject:** RE: I/P Engine v. AOL et al.

Charles:

You asked at Monday's meet and confer why Google made source code available on Friday. We explained that we promptly made this code available in response to Plaintiff's improper and late identification of [REDACTED] in Dr. Frieder's "updated" expert report on the night of September 4 and further tardy purported theories expressed as to them at Dr. Frieder's deposition on September 6. You stated the interrogatories to which Google supplemented its responses were not linked to Dr. Frieder's theories. As we told you, this is a non-sequitur. We made the source code available promptly as it became relevant based on Plaintiff's late disclosed theories (assuming these theories will be allowed at all). The fact that the interrogatories we supplemented at the same time do not specifically mention Dr. Frieder has no bearing on the issue. And your suggestion that the previously produced source code somehow goes back to 2004 is nonsensical given that (1) the source code itself clearly states that the model was launched in 2012; (2) nowhere in the interrogatory responses does Google state that this source code predates 2012; and (3) this specific source code was produced, pursuant to the Protective Order, in response to Plaintiff's only request for source code on June 27.

Jen

-----Original Message-----

**From:** Falkler, Jonathan [mailto:FalklerJ@dicksteinshapiro.com]  
**Sent:** Monday, September 17, 2012 2:34 PM  
**To:** Jen Ghaussy; Antonio Sistos; Monterio, Charles  
**Cc:** zz-IPEngine; QE-IP Engine; senoona@kaufcan.com  
**Subject:** RE: I/P Engine v. AOL et al.

We can use the following conference line for the meet and confer today:

Toll Free Dial-in: (888) 839-7346  
Participant Passcode: 202 420 3032

-Jon

Jonathan Falkler  
Dickstein Shapiro LLP  
1825 Eye Street NW | Washington, DC 20006 Tel (202) 420-3032 | Fax (202) 420-2201  
FalklerJ@dicksteinshapiro.com

-----Original Message-----

**From:** Jen Ghaussy [mailto:jenghaussy@quinnemanuel.com]  
**Sent:** Monday, September 17, 2012 2:31 PM  
**To:** Falkler, Jonathan; Antonio Sistos; Monterio, Charles  
**Cc:** zz-IPEngine; QE-IP Engine; senoona@kaufcan.com  
**Subject:** RE: I/P Engine v. AOL et al.

We are available to meet and confer on this issue at 3 PM Pacific. Please circulate a dial-in.

-----Original Message-----

From: Jen Ghaussy  
Sent: Monday, September 17, 2012 8:09 AM  
To: Falkler, Jonathan; Antonio Sistos; Monterio, Charles  
Cc: zz-IPEngine; QE-IP Engine; senoona@kaufcan.com  
Subject: RE: I/P Engine v. AOL et al.

Yes, it will be available. Please let us know who will be coming. We will get back to you with availability for a meet and confer.

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From: Falkler, Jonathan [FalklerJ@dicksteinshapiro.com]  
Sent: Monday, September 17, 2012 6:48 AM  
To: Antonio Sistos; Jen Ghaussy; Monterio, Charles  
Cc: zz-IPEngine; QE-IP Engine; senoona@kaufcan.com  
Subject: RE: I/P Engine v. AOL et al.

Antonio,

This is to confirm that we intend to review the source code today at noon. Per your email below, please confirm that it will be available.

We await your response as to availability for a meet and confer today.

Regards,  
Jon

Jonathan Falkler  
Dickstein Shapiro LLP  
1825 Eye Street NW | Washington, DC 20006 Tel (202) 420-3032 | Fax (202) 420-2201  
FalklerJ@dicksteinshapiro.com

-----Original Message-----

From: Antonio Sistos [mailto:antoniosistos@quinnemanuel.com]  
Sent: Friday, September 14, 2012 10:35 PM  
To: Falkler, Jonathan; Jen Ghaussy; Monterio, Charles  
Cc: zz-IPEngine; QE-IP Engine; senoona@kaufcan.com  
Subject: RE: I/P Engine v. AOL et al.

Jonathan,

In response to your questions, [REDACTED]

[REDACTED] 3) In the interests of expediting discovery, Google is willing to waive the three-day notice period required under the protective order. We will attempt to make the source code available on Monday, September 17 at noon. Please inform us if Plaintiff intends to review the code then and we will confirm it can be available on this short notice.

Needless to say, we reject Plaintiff's allegations that the source code is improperly produced. Google has made the code available in response to Plaintiff's improperly late-disclosed theories of infringement, which were first alluded to in Dr. Frieder's September 4, 2012 "Updated" Expert Report. To the extent Plaintiff complains about any alleged

"prejudice," as to which we disagree, it is entirely caused by Plaintiff's late disclosure of revised infringement allegations.

We are available for a meet and confer on Monday. We will provide a specific time then.

Regards,

Antonio Sistos  
Associate,  
Quinn Emanuel Urquhart & Sullivan, LLP

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-----Original Message-----

From: Falkler, Jonathan [mailto:FalklerJ@dicksteinshapiro.com]  
Sent: Friday, September 14, 2012 6:59 PM  
To: Jen Ghaussy; Monterio, Charles  
Cc: zz-IPEngine; QE-IP Engine; senoona@kaufcan.com  
Subject: RE: I/P Engine v. AOL et al.

Jen,

Please immediately identify 1) exactly what source code has been added to the repository, 2) the folder locations for any new files, and 3) when we can have access. We object to Google's late production of this source code. It is after the close of fact discovery, after you deposed our expert, after we have concluded all fact depositions of engineers at Google, and therefore results is significant prejudice. We reserve all rights with respect to excluding the material.

Please notify us of your availability for a meet and confer on Monday to discuss this untimely material and Google's justification for the belated production.

Jon

Jonathan Falkler  
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FalklerJ@dicksteinshapiro.com

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From: Jen Ghaussy [jenghaussy@quinnemanuel.com]  
Sent: Friday, September 14, 2012 3:56 PM  
To: Monterio, Charles  
Cc: zz-IPEngine; QE-IP Engine; senoona@kaufcan.com

Subject: I/P Engine v. AOL et al.

Counsel,

We have added to the source code available in our DC office for inspection the files referred to in Google's supplemental interrogatory responses served today.

Jen

Jen Ghaussy  
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