

EXHIBIT U

Emily O'Brien

From: Albert, Dawn Rudenko [RudenkoD@dicksteinshapiro.com]
Sent: Thursday, August 09, 2012 7:06 AM
To: Emily O'Brien
Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; AOL-IPEngine@finnegan.com; W. Ryan Snow; Donald C. Schultz; Monterio, Charles
Subject: RE: I/P Engine v. AOL et al.

Emily,

I/P Engine's response has been, and continues to be the same, including Charles's and my previous correspondence. I/P Engine has provided its response on this issue.

Regards,

Dawn Rudenko Albert
Tel (212) 277-6715| Fax (917) 591-0040
albertd@dicksteinshapiro.com



From: Emily O'Brien [mailto:emilyobrien@quinnemanuel.com]
Sent: Wednesday, August 08, 2012 8:50 PM
To: Albert, Dawn Rudenko
Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; AOL-IPEngine@finnegan.com; W. Ryan Snow; Donald C. Schultz; Monterio, Charles
Subject: RE: I/P Engine v. AOL et al.

Dawn,

Contrary to your implication, the statement in your latest email differs from what Plaintiff had said previously.

In all events, we need an explicit and unequivocal confirmation that your email means that you have searched for and produced or logged all Dickstein Shapiro documents in the categories covered in my August 1 e-mail (offers, opinions, valuations, studies, negotiation, due diligence, etc.) and that your statement is not in any way qualified by Charles' August 6 email.

Absent such an explicit and unequivocal confirmation, we will proceed with our motion to compel. We have gone back and forth on this several times now and we cannot keep delaying resolution of this issue with Plaintiff's continued semantics.

Sincerely,
Emily

Emily O'Brien
Associate,
Quinn Emanuel Urquhart & Sullivan, LLP

50 California Street, 22nd Floor
San Francisco, CA 94111
415-875-6323 Direct
415.875.6600 Main Office Number

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From: Albert, Dawn Rudenko [mailto:RudenkoD@dicksteinshapiro.com]
Sent: Wednesday, August 08, 2012 1:30 PM
To: Emily O'Brien; Monterio, Charles
Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; AOL-IPEngine@finnegan.com; W. Ryan Snow; Donald C. Schultz
Subject: RE: I/P Engine v. AOL et al.

Emily,

We again unambiguously state the following: I/P Engine has produced all responsive, non-privileged documents that were located after it conducted a reasonable search, and it identified all documents withheld based upon privilege on its privilege log, subject to the parties' agreements regarding the scope of privilege logs. Accordingly, there is nothing for Google to compel. If Google does file a motion, we request that it quote this email (and attach it as an exhibit) as part of the meet and confer certification.

Regards,

Dawn Rudenko Albert
Tel (212) 277-6715| Fax (917) 591-0040
albertd@dicksteinshapiro.com

 Please consider the environment before printing this e-mail.

From: Emily O'Brien [mailto:emilyobrien@quinnemanuel.com]
Sent: Wednesday, August 08, 2012 2:39 PM
To: Monterio, Charles
Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; AOL-IPEngine@finnegan.com; W. Ryan Snow; Donald C. Schultz
Subject: RE: I/P Engine v. AOL et al.

Charles,

There is no legitimate basis for your purported confusion. We have discussed and put into writing our requests on multiple occasions and your efforts to limit or change the requests are transparent. What we have requested is clear, yet you continue to refuse to confirm production of all responsive, non-privileged documents related to the categories outlined in my August 1 email. Accordingly, we will move forward with our motion to compel.

Thank you,
Emily

Emily O'Brien
Associate,

Quinn Emanuel Urquhart & Sullivan, LLP

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From: Monterio, Charles [<mailto:MonterioC@dicksteinshapiro.com>]

Sent: Monday, August 06, 2012 1:18 PM

To: Emily O'Brien

Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; AOL-IPEngine@finnegan.com; W. Ryan Snow; Donald C. Schultz

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

Dear Emily,

As we discussed during the August 2 meet and confer, your August 1 email is unclear as to what specifically is being requested. From our review of the email, it appears that Defendants are seeking the production of documents: (1) relating to the "offers and/or negotiations," including communications and other correspondence, between Lycos and Altitude, Hudson Bay (including I/P Engine (fka Smart Search Labs) and/or Eidos; and (2) any due diligence conducted by Dickstein Shapiro related to the Lycos patents. In support of Defendants' request, you identify RFP 1, 14, 16, 25 and 37. As these requests are directed to I/P Engine, your requests related to any of the other parties, to the extent that your demand is for documents in their possession, custody or control of other third-parties, are improper. Your demand that I/P Engine confirm that it "has produced or logged all Dickstein Shapiro documents responsive to these specific requests" is also unclear. I/P Engine, to its best understanding, has produced relevant, non-privileged documents in its possession, custody and control, including any relevant, non-privileged documents from or to Dickstein Shapiro or the other named entities, responsive to Defendants' RFPs. To the extent that I/P Engine withheld any documents based upon privilege or some other protection or immunity, those documents were identified in its privilege log.

Charles

From: Emily O'Brien [<mailto:emilyobrien@quinnemanuel.com>]

Sent: Friday, August 03, 2012 11:38 AM

To: Monterio, Charles

Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; AOL-IPEngine@finnegan.com; W. Ryan Snow; Donald C. Schultz

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

Dear Charles,

As we told you during yesterday's meet and confer, the documents we requested in our August 1 email are responsive to a number of our requests for production. They are responsive to at least RFP 14, which requests documents concerning ownership of the patents-in-suit, including any proposed conveyance of any interest in the patents; RFP 37, which requests documents concerning communications with third parties regarding the patents-in-suit; RFP 16, which requests all documents concerning any prior art investigations, analyses or searches; RFP 25, which requests all documents related to any studies, analyses, opinions or pre-filing investigations or reports related to patentability, validity, enforceability or infringement of the patents-in-suit; and RFP 1, which requests documents that refer or relate to the patents-in-suit. The topics outlined in our August 1 email are subsumed within these requests. Please confirm

that Plaintiff has produced or logged all Dickstein Shapiro documents responsive to these specific requests. If we do not receive an affirmative response today, we will consider our meet and confer requirements concluded and seek leave of the Court as necessary.

Thank you.

Emily O'Brien

Associate,

Quinn Emanuel Urquhart & Sullivan, LLP

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From: Monterio, Charles [<mailto:MonterioC@dicksteinshapiro.com>]
Sent: Thursday, August 02, 2012 8:58 AM
To: Emily O'Brien
Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; AOL-IPEngine@finnegan.com; W. Ryan Snow; Donald C. Schultz
Subject: RE: I/P Engine v. AOL et al.

Emily,

We are available for a meet and confer today at 5 ET. Additionally, we want to discuss Google's Third Supplemental Objections and Responses to Plaintiff I/P Engine, Inc.'s Interrogatories, specifically the new prior art references included.

Charles

From: Emily O'Brien [<mailto:emilyobrien@quinnemanuel.com>]
Sent: Thursday, August 02, 2012 10:43 AM
To: Monterio, Charles
Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; AOL-IPEngine@finnegan.com; W. Ryan Snow; Donald C. Schultz
Subject: Re: I/P Engine v. AOL et al.

Charles,

We would be available to meet and confer at 5 ET. Please let us know if that time would work for you.

Thank you,
Emily

On Aug 1, 2012, at 8:53 PM, "Monterio, Charles" <MonterioC@dicksteinshapiro.com> wrote:

CONFIDENTIAL OUTSIDE COUNSEL ONLY

Emily,

As an initial matter, your email misconstrues the testimony of both Messrs Berger and Blais. Neither witness testified that Dickstein Shapiro was “actively involved in offers to sell/purchase Lycos’ patent portfolio.” Indeed, Mr. Blais specifically stated that Dickstein “made the introductions,” it was not involved in discussions. Mr. Berger also testified that he contacted Mr. Blais on his own, and was provided a list of patents potentially for sale by and negotiated with Mr. Blais. Regardless, any investigations, communications or due diligence performed by Dickstein Shapiro relating to the patents-in-suit are privileged and/or work product. Any responsive, relevant materials have been identified on the privilege logs. Any responsive, non-privileged materials have been produced. If there is a specific responsive document that you believe otherwise exists, which is relevant to a claim or defense in this case, and has not been so produced or identified, please let us know so that we can further investigate. If you believe we need to meet and confer on this issue, we are generally available tomorrow afternoon.

Charles

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Dickstein Shapiro LLP

www.DicksteinShapiro.com

From: Emily O'Brien [<mailto:emilyobrien@quinnemanuel.com>]
Sent: Wednesday, August 01, 2012 3:27 PM
To: zz-IPEngine
Cc: QE-IP Engine; Noona, Stephen E.; 'AOL-IPEngine@finnegan.com'
Subject: I/P Engine v. AOL et al.

Confidential Outside Counsel Only

Counsel,

It is apparent from the deposition testimony from Mr. Berger and Mr. Blais that Dickstein Shapiro was actively involved in offers to sell/purchase Lycos’ patent portfolio, including but not limited to the ‘420 and ‘664 patents, at least as early as 2009. This involvement, which apparently was not limited to work done on behalf of Lycos, included offers and/or negotiations between Lycos and at least Altitude Capital, Hudson Bay, Smart Search Labs (predecessor to I/P Engine), and Eidos. It also included due diligence

conducted by Dickstein Shapiro related to Lycos' patents. Any such communications, negotiations and analyses are relevant to the claims and defenses in this case, as well as to damages, or reasonably likely to lead to the discovery of admissible evidence. Despite their clear relevance, however, these materials have not been produced. Given the limited timeframe left for discovery in this case, we need these documents produced immediately. Please confirm today that all such documents related to these attempts to sell/purchase Lycos' patents, whether internal or external, will be produced and provide a date certain for their production by the end of the day tomorrow. If Plaintiff is unwilling to do this, please provide times for a meet and confer on this issue tomorrow. Although we would like to work with you in having these important documents voluntarily produced, we reserve all rights to approach the Court to obtain them in an expeditious manner.

Emily

Emily O'Brien

Associate,

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