

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

I/P ENGINE, INC.,

Plaintiff,

v.

AOL, INC. et al.,

Defendants.

Civ. Action No. 2:11-cv-512

MOTION TO SEAL EXHIBITS 15, 16, 17, 18 AND 21 OF I/P ENGINE'S
MEMORANDUM IN SUPPORT OF ITS MOTION TO COMPEL DEFENDANT
GOOGLE, INC.'S CUSTODIAL DOCUMENT PRODUCTION

EXHIBIT 17 FILED UNDER SEAL

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March 27, 2012

Via E-mail

Jen Ghaussy, Esq.
Quinn Emanuel Urquhart & Sullivan, LLP
50 California Street, 22nd Floor
San Francisco, CA 94111

Re: Google's Outstanding Discovery Obligations

Dear Jen:

I write in response to your March 26, 2012 letter regarding Google's outstanding discovery obligations.

I/P Engine agrees to your proposed search terms [REDACTED]. I/P Engine also agrees to withdraw the [REDACTED] terms. I/P Engine reserves its rights with respect to all proposed and other search terms based on ongoing discovery. I/P Engine additionally agrees that, as a general matter, neither side is obligated to log, collect, or produce documents created after the filing date of this litigation.

We have been holding off on scheduling depositions of Google pending the completion of its production, but we cannot wait any longer. Given that the parties have already agreed to numerous search terms and Google's promise that it is producing documents on a rolling basis, I/P Engine understands that Google has been collecting and preparing these documents for production. We repeatedly have asked Google to identify a firm date by which I/P Engine can expect to receive Google's complete production of custodial documents. To date, Google has refused to do so. Please do so by tomorrow, March 28, 2012.

With respect to the requested prior litigation documents, please provide by tomorrow a firm date by which Google will conclude its review of the documents at issue and produce the documents related to the issues of damages and infringement.

Regarding the requested videos, I/P Engine understands that you will produce all 69 of the videos requested by I/P Engine, unless Google can show to I/P Engine's satisfaction that a requested video is not reasonably calculated to lead to admissible evidence. Please provide by tomorrow a firm date by which Google will conclude its review of the videos and produce the related ones.

CONFIDENTIAL OUTSIDE COUNSEL ONLY

DICKSTEIN SHAPIRO LLP

Jen Ghaussy, Esq.

March 27, 2012


Page 2

Additionally, please confirm that Google has produced all other Adwords litigation documents, as well as license agreements and other damages-related documents. Please provide by tomorrow a firm date by which Google, if necessary, will conclude its production of those documents. I/P Engine intends to rely upon Google's discovery representation as to its production date (or lack thereof) going forward.

I/P Engine understands that the parties are at an impasse regarding the Overture-related documents. If this is not correct, and Google is prepared to provide by tomorrow a firm date by which Google will produce all of those requested documents, then please advise.

I/P Engine has been very patient as it awaits Google's production of documents responsive to I/P Engine's document requests that were served in early November 2011. I/P Engine believes that Google should commit by tomorrow to complete the production of all of these documents by no later than Monday, April 9, 2012. Google is on notice that if it refuses to commit by tomorrow to complete its production of documents by April 9, then the parties are at an impasse and I/P Engine will proceed to file a Motion to Compel.

Best regards,



Charles J. Monterio Jr.

(202) 420-5167

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CJM/

cc: Stephen E. Noona
David Bilsker
Kenneth W. Brothers
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