Exhibit 2

Jen Ghaussy

From: Emily O'Brien
Sent: Wednesday, September 26, 2012 8:27 PM
To: Brothers, Kenneth
Cc: QE-IP Engine; 'Noona, Stephen E.'; zz-IPEngine; 'wrsnow@cwm-law.com'; 'dschultz@cwm-law.com'
Subject: RE: I/P Engine v. AOL et al.

Ken,

First, we disagree with your characterization of the meet and confer, but will not belabor the point further.

Second, we will circulate proposed revisions to the ActiveVideo PTO as a starting position for the parties' discussion of a pretrial order in this case.

Third, we are not available at 6:00 p.m. ET on Friday. Given that the Court order specified that the parties' attorney conference begin at 2:00 p.m. ET, we would request that the parties begin at that time, with someone else from your team filling in if you are unavailable. I understand that you and Stephen Noona have had several discussions to start the pretrial process and we hope to continue discussions. We can then continue on as needed next week, with Virginia counsel participating in person, in Norfolk, as their schedule allows.

Fourth, we do not fully understand your inquiry regarding stipulations and possible agreements on motions in limine, but will consider your proposals in good faith and work toward reaching agreements if possible. As to the authentication stipulation draft, the parties had agreed to defer the issue until after pretrial disclosures had been exchanged. We agree that it makes sense to discuss this during the parties' conferences. We similarly agree that the parties should discuss all of the motions in limine, and see if there is any agreement that can be reached. Beyond that we are not certain to what you are referring. Please explain in advance of the call.

Fifth, it is our understanding that the purpose of the conferences, in part, is to discuss the parties' objections to pretrial disclosures, and we intend to do so. Given that Judge Jackson will be conducting the Pretrial, we will need to work out as many objections as possible.

Finally, myself, Stephen Noona and David Perlson will join the initial call to discuss these issues.

Thank you,
Emily
-----Original Message-----
From: Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]
Sent: Wednesday, September 26, 2012 10:34 AM
To: Emily O'Brien
Cc: QE-IP Engine; 'Noona, Stephen E.'; zz-IPEngine; 'wrsnow@cwm-law.com'; 'dschultz@cwm-law.com'
Subject: RE: I/P Engine v. AOL et al.

Emily:

Your 11:34 pm partial summary of our meet and confer of yesterday is incomplete. I do not have the time to correct everything, but note my disagreement with your characterizations

regarding plaintiff's deposition designations. I also note that you did not include my reasons for not accepting Defendants' demand that plaintiff withdraw its deposition designations. Steve and I have been discussing for weeks the pretrial procedures based upon the ActiveVideo PTO, including a schedule and process for narrowing deposition designations. I had understood (and continue to understand) that the ball was in Defendants' court to provide me with their proposed variations from the ActiveVideo PTO. In my view, there is no legitimate basis for Defendants' protestations regarding deposition designations, especially because Defendants have never said that they are unable to comply with the Scheduling Order. You write that the parties are at an impasse, but I do not understand the basis for the statement, as Defendants are under no obligation that have said they cannot meet.

With regard to the attorney conference on Friday, I have other commitments for the entire day I request that we start the attorney conference by phone at 6 pm ET on Friday. We expect that the conference will continue into the following week. I believe that in-person meetings are very helpful to resolve issues, and propose that we meet in DC on the afternoon of Wednesday, October 3, or the morning of Thursday, Oct. 4, as one or more of you will be flying east for the final pretrial on Friday, Oct. 5.

To facilitate preparation for the attorney conference on Friday, please advise by noon ET tomorrow of the following:

1. Agreement on the time on Friday
2. Whether Defendants agree to the ActiveVideo PTO for pretrial agreements and procedures. If not, please provide Defendants' proposals for those pretrial procedures. If we are able to agree to use the ActiveVideo PTO (subject to minor timing variations), then this will dramatically narrow the scope of objections to trial exhibits, and defer discussions regarding deposition designations objections.
3. Whether Defendants will be prepared at the first attorney conference to discuss stipulations and possible agreements on motions in limine 4. Whether Defendants will be prepared to discuss the remaining objections to trial exhibits 5. Who will be participating in the attorney's conference

Ken

-----Original Message-----
From: Emily O'Brien [mailto:emilyobrien@quinnemanuel.com]
Sent: Tuesday, September 25, 2012 11:34 PM
To: Brothers, Kenneth
Cc: QE-IP Engine; 'Noona, Stephen E.'; zz-IPEngine; 'wrsnow@cwm-law.com'; 'dschultz@cwm-law.com'
Subject: RE: I/P Engine v. AOL et al.

Ken,

I write to follow up on our meet and confer this afternoon regarding Plaintiff's deposition designations. We continue to look for ways to cooperate and streamline the pretrial process.

First, we agreed that the parties do not need to counter-designate testimony that the other side has included in its designations. In the event that one side decides not to play the entirety of a designation, the other side will be allowed at that point to counter-designate additional testimony within the original designations. For example, if Plaintiff has designated page 2:1-30 of a deposition transcript but notifies Defendants in advance of the use of that testimony that it only intends to play 2:1-15, Defendants will be entitled to counter-designate testimony within 2:16-30. We understand that this does not preclude the parties from objecting to the admissibility of the counter-designation testimony on any other grounds.

Second, we asked Plaintiff again to narrow its designations of deposition testimony, as they are overbroad and as such make it extremely difficult for Defendants to object and for the parties to be able to work together to resolve objections and counters, as appropriate, in advance of trial. Plaintiff refused. Plaintiff also stated that it believed that it should be allowed at trial to play standing alone deposition testimony at minimum from Defendants' 30(b)(6) witnesses, and possibly all of Defendants' witnesses, as party admissions under FRE 802(d). And as such intended to object to any counter-designations proposed by Defendants at least for its 30(b)(6) witnesses for any reason other than completeness.

We asked that Plaintiff identify the witnesses it will call at trial by deposition testimony, and at least narrow the deposition testimony of that subset. Plaintiff refused.

Third, we discussed the possibility of using a process like that set out in the ActiveVideo pretrial order for exchanging deposition designations a set time prior to use, serving objections/counters to that testimony, and then meeting and conferring and finalizing deposition videos for use at trial. We also discussed the timeframe for such a process, including potentially extending it to something longer than 72/48 hours in advance of the use of testimony at trial. As expressed in my prior email and in your discussions with Stephen, Defendants are amenable to such a proposal. But this doesn't negate the deadlines and duties under the Pretrial Order to serve meaningful and fair designations by 9/19, and meaningful counters and objections by 9/26. Indeed, this is exactly what the parties in the ActiveVideo case did.

As expressed during our call, our concern with Plaintiff's overbroad designations is that the parties are ultimately pushing off much of the work regarding designations, objections and counters until during trial when the parties will be busy with trial work, rather than resolving issues now. We are extremely concerned about delaying these issues, and reserve all rights accordingly. You suggested that Plaintiff may be amenable to meeting and conferring some reasonable time (e.g., 48 hours) after the Court has ruled on the pending motions in limine to discuss narrowing designations, as these will impact the admissibility of exhibits and testimony. But as we pointed out, we have no knowledge of when we will receive these rulings, and it may be quite close to trial.

The problem with Plaintiff's position is that it creates a situation where Plaintiff may be constantly changing its designations, requiring Defendants to change their objections and counters, which may then result in Plaintiff changing its designations, etc., etc. This is not a reasonable solution. As you know, at this point Plaintiff has designated testimony from twelve witnesses, constituting what seems to more than 14 hours (and probably quite a bit more) of testimony. This in no way puts Defendants on notice of the testimony that Plaintiff may play at trial or that its experts may rely on. As Plaintiff has refused to narrow its designations at this point, the parties are at an impasse regarding this issue.

Thank you,
Emily

From: Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]
Sent: Tuesday, September 25, 2012 12:19 PM
To: Emily O'Brien
Cc: QE-IP Engine; 'Noona, Stephen E.'; zz-IPEngine; 'wrsnow@cwm-law.com'; 'dschultz@cwm-law.com'
Subject: RE: I/P Engine v. AOL et al.

Emily:

Plaintiff does not agree either with Defendants' assertions regarding plaintiff's deposition designations, or to your characterization of my conversation with Steve, to which you were not a party. Plaintiff's deposition designations were made in good faith and with the intention of placing Defendants on notice of testimony that plaintiff may play at trial or on which plaintiff's expert might rely. Plaintiff declines your unilateral demand of 10:25 pm last night that plaintiff serve revised designations today, as there is no reason to do so. Just as there is no obligation that a party introduce every exhibit on their list of trial exhibits, so is there no obligation that every second of designated testimony be used at trial. This is especially true where, prior to the parties' service of their respective deposition designations, counsel for the parties (Steve and me) had explicitly acknowledged this fact, and had discussed a mechanism for exchanging narrowed deposition designations 72 hours prior to use, patterned after the ActiveVIdeo pretrial order.

Plaintiff does not agree that Defendants have been "hindered" in responding to Plaintiff's designations. We do not believe that this is a legitimate complaint, and we expect that Defendants will provide their counterdesignations and objections tomorrow. In my efforts to meet Defendants' complaints, however, yesterday Steve and I discussed some ideas that, if accepted, would have eliminated any purported hindrance. These ideas included the parties (1) exchange counterdesignations tomorrow, (2) defer any objections to testimony until narrowed designations are served 72 hours in advance; or (3) for party employees and agents/designees whose testimony is binding pursuant to FRE 801(d)(2), defer fairness counters and objections until 72 hours in advance; (4) exchange counters for third party testimony. We also discussed the possibility where, if counters were deferred, if permitted by the Federal Rule of Evidence, the non-designating party may reserve the right to later counter-designate any portion of earlier-designated testimony.

All of these are ideas intended to address Defendants' supposed concerns. I have discussed them with Steve again today; I had understood that Steve was going to try to get you on the phone and call me back to resolve, but I have not heard from him. I remain prepared to meet and confer regarding these matters prior to 6 pm ET today.

Ken

postmaster@dicksteinshapiro.com<mailto:postmaster@dicksteinshapiro.com> and permanently delete and destroy the original message and any and all copies, including printouts and electronic copies on any computer system.

Dickstein Shapiro LLP
www.DicksteinShapiro.com<http://www.DicksteinShapiro.com>
From: Emily O'Brien [mailto:emilyobrien@quinnemanuel.com]
Sent: Monday, September 24, 2012 10:25 PM
To: zz-IPEngine; 'wrsnow@cwm-law.com'; 'dschultz@cwm-law.com'
Cc: QE-IP Engine; 'Noona, Stephen E.'
Subject: RE: I/P Engine v. AOL et al.

Counsel,

I received no formal response to my email from Saturday regarding Plaintiff's over-designation of deposition transcripts. As previously stated, we cannot believe that Plaintiff intends to play or that the Court would allow it to play the entirety of the deposition testimony it has designated at trial, or even that it would have sufficient time to do so. I understand that Ken discussed this issue with Stephen today, and agreed that Plaintiff would most likely not be playing the entirety of what it designated at trial. I also understand that Ken pointed to the provision for objections and fairness designations in the ActiveVideo Pretrial Order as providing a solution to the issue raised by Defendants. But even under that Order, the parties exchanged meaningful objections and fairness designations. While we are happy to continue to discuss the stipulations in the ActiveVideo Pretrial Order in connection with this case, we do not agree with Plaintiff's broad reading of this provision or that it will exempt us from complying with the Scheduling Order.

In order to comply with the Court's Scheduling Order, the parties are required to exchange pretrial designations by 9/19, and exchange objections and counter-designations by 9/26, and then meet and confer to try to resolve these objections in advance of submitting the Pretrial Order. We would like to do so but, as previously noted, Defendants have been hindered in that regard based on Plaintiff's over-designation of deposition transcripts. Please reconsider your designations and send an amended list immediately. If Plaintiff refuses, then please provide times tomorrow when you are available to meet and confer. Defendants reserve all rights and objections to Plaintiff's designations.

Thank you,
Emily

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

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prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: Emily O'Brien
Sent: Saturday, September 22, 2012 9:52 AM
To: 'zz-IPEngine'; 'wrsnow@cwm-law.com'; 'dschultz@cwm-law.com'
Cc: QE-IP Engine; 'Noona, Stephen E.'
Subject: I/P Engine v. AOL et al.

Counsel,

We have reviewed Exhibit A to Plaintiff's Pretrial Disclosures, and it is apparent that Plaintiff has vastly over-designated the deposition transcripts. For example, Plaintiff has designated the majority of the deposition transcripts of Bartholomew Furrow, Gary Holt, Nicholas Fox, etc. This is not in good faith. Please send an amended list of designations no later than noon EST tomorrow, and confirm you will do so today. If Plaintiff refuses to do so then we reserve all rights, including moving to strike and/or that Plaintiff be required to play the entirety of its designations at trial.

Thank you,

Emily

Emily O'Brien
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