

Exhibit 3

Noona, Stephen E.

From: Brothers, Kenneth <BrothersK@dicksteinshapiro.com>
Sent: Friday, October 05, 2012 10:57 AM
To: Noona, Stephen E.; Emily O'Brien
Cc: zz-IPEngine; QE-IP Engine; W. Ryan Snow; 'dschultz@cwm-law.com'
Subject: RE: I/P Engine

Steve:

Plaintiff does not agree that the parties are at an impasse, for three reasons: (1) The parties have agreed on a procedure to narrow deposition designations, as stated in the agreed pretrial order. Plaintiff will follow this agreed-to schedule even if the motions in limine are still pending, although subsequent rulings may require further alterations of deposition designations. (2) Defendants never have requested that plaintiff do anything other than withdraw an unspecified volume of deposition designations. In the absence of a specific request, there are no established positions to define an impasse. (3) I/P Engine has offered to withdraw the majority of its deposition designations if Defendants would stipulate to the facts of the operation of the Adwords system as stated in Defendants' expert report. Defendants have inexplicably refused.

Please attach this email to any submission Defendants may file on this issue.

Per my phone conversation with you this morning, plaintiff does not agree to your proposed expedited briefing schedule. Because plaintiff does not know either defendants' specific position, or what relief defendants may seek, plaintiff cannot agree to such a shortened briefing schedule. I also note that the Court is closed on Monday for the Columbus Day holiday.

Ken

Confidentiality Statement

This email message, including any attachments, is intended solely for the use of the addressee(s) named above. This communication may contain privileged and/or confidential material. If you are not the intended recipient, you have received this communication in error, and any review, use, printing, copying, or other dissemination of this email message is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by reply email message or notify our email administrator at 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

From: Noona, Stephen E. [<mailto:senoona@kaufcan.com>]
Sent: Friday, October 05, 2012 10:31 AM
To: Emily O'Brien; Brothers, Kenneth
Cc: zz-IPEngine; QE-IP Engine; W. Ryan Snow; 'dschultz@cwm-law.com'
Subject: RE: I/P Engine

Would you agree to expedite the briefing of this issue to have us file today, you file Monday and we file reply Tuesday morning? Thanks,...SEN.

Stephen E. Noona
Kaufman & Canoles, P.C.
150 W. Main Street, Suite 2100
Norfolk, VA 23510-1665

T (757) 624.3239
F (757) 624.3169
senoona@kaufcan.com
www.kaufCAN.com

From: Emily O'Brien [<mailto:emilyobrien@quinnemanuel.com>]
Sent: Thursday, October 04, 2012 11:34 PM
To: Brothers, Kenneth
Cc: zz-IPEngine; QE-IP Engine; Noona, Stephen E.; W. Ryan Snow; 'dschultz@cwm-law.com'
Subject: I/P Engine

Ken,

Following up on our discussion of last week, and discussions and correspondence with Plaintiff this week, Plaintiff has confirmed that it will not reduce its designations prior to the Court's ruling on all pending motions. Accordingly, the parties are at an impasse regarding this issue.

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
415.875.6700 FAX
emilyobrien@quinnemanuel.com
www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

The information contained in this electronic message is legally privileged and confidential under applicable law, and is intended only for the use of the individual or entity named above. If you are not the intended recipient of this message, you are hereby notified that any use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify Kaufman & Canoles at (757) 624-3000 or by return e-mail to helpdesk@kaufcan.com, and purge the communication immediately without making any copy or distribution.

Disclosure Required by Internal Revenue Service Circular 230: This communication is not a tax opinion. To the extent it contains tax advice, it is not intended or written by the practitioner to be used, and it cannot be used by the taxpayer, for the purpose of avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service.
