

# Exhibit 5

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**From:** Sarah Agudo <sarahagudo@quinnemanuel.com>  
**Sent:** Friday, November 09, 2012 3:47 PM  
**To:** Albert, Dawn Rudenko; Monterio, Charles  
**Cc:** QE-IP Engine; 'Stephen E. Noona (senoona@kaufcan.com)'; zz-IPEngine; 'W. Ryan Snow (wrsnow@cwm-law.com)'; 'Donald C. Schultz (dschultz@cwm-law.com)'  
**Subject:** RE: I/P Engine v. AOL et al. Supplemental Interrogatory No. 15

Dawn,

Thank you for sending the decision. Please, however, explain how you intend to use the data you are requesting to calculate supplemental damages.

We are not available for a meet and confer today, but we are available at 2pm PT on Monday.

Thank you,  
Sarah

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

From: Albert, Dawn Rudenko [mailto:RudenkoD@dicksteinshapiro.com]  
Sent: Friday, November 09, 2012 10:12 AM  
To: Sarah Agudo; Monterio, Charles  
Cc: QE-IP Engine; 'Stephen E. Noona (senoona@kaufcan.com)'; zz-IPEngine; 'W. Ryan Snow (wrsnow@cwm-law.com)'; 'Donald C. Schultz (dschultz@cwm-law.com)'  
Subject: RE: I/P Engine v. AOL et al. Supplemental Interrogatory No. 15

Sarah,

The decision is attached. As the prevailing party, I/P Engine is entitled to supplemental damages post-discovery/pre-verdict. I apologize for not sending the decision previously. I assumed counsel would be aware of the decision since Mr. Noona signed and submitted the underlying motion and memorandum of law relating to the same. As this issue has been outstanding since November 6, 2012, please provide us Defendants' position by 5:00 ET today. Again, if Defendants will not agree to provide this information, please let me know if you are available to meet and confer today, I suggest 5:00 ET.

Regards,

Dawn Rudenko Albert  
Dickstein Shapiro LLP  
(212) 277-6715