

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

I/P ENGINE, INC.,	)	
	)	
	)	
Plaintiff,	)	
v.	)	Civ. Action No. 2:11-cv-512
	)	
AOL, INC. et al.,	)	
	)	
Defendants.	)	
	)	

**PLAINTIFF I/P ENGINE, INC.’S RESPONSES AND OBJECTIONS  
TO DEFENDANT GOOGLE, INC.’S FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, I/P Engine, Inc. (“I/P Engine”) hereby responds and objects to Google, Inc.’s (“Google”) First Set of Interrogatories (“Interrogatories”). These responses are based on information reasonably available to I/P Engine at the present time. I/P Engine reserves the right to supplement these responses when, and if, additional information becomes available. I/P Engine also reserves the right to object on any ground at any time to such other or supplemental Interrogatories Google may propound involving or relating to the subject matter of these Interrogatories.

**GENERAL OBJECTIONS**

1. I/P Engine objects to the Interrogatories as overly broad and unduly burdensome to the extent that they purport to require I/P Engine to seek information or documents outside of I/P Engine’s possession, custody, or control as such information is beyond the permissible scope of the Federal Rules of Civil Procedure and applicable law, and would further pose an undue burden on I/P Engine.

2. I/P Engine objects to the Interrogatories to the extent that they seek information that is not relevant to the issues in this litigation or framed by the pleadings, or that is not reasonably calculated to lead to the discovery of relevant or admissible evidence.

3. I/P Engine objects to the Interrogatories to the extent that they seek information that, if furnished, would violate any domestic or judicial order, protective order, privacy interest, contractual obligation, non-disclosure agreement, confidentiality agreement or other such confidentiality obligation vis-à-vis to any third party. Absent third party permission, I/P Engine will not provide such information unless ordered to do so by the Court.

4. I/P Engine objects to the Interrogatories to the extent that they seek trade secrets and/or confidential documents or information. However, subject to the foregoing general objections, I/P Engine will provide the requested information to which Google is entitled in accordance with a Protective Order, when entered.

5. I/P Engine objects to the Interrogatories to the extent that they fail to describe the information requested with particularity, are indefinite as to time and scope, and/or seek information that is not relevant to the claims or defenses of the parties in this litigation.

6. I/P Engine objects to the Interrogatories to the extent that they seek information or documents protected by the attorney-client privilege, the work product doctrine, and/or any other privilege or immunity. I/P Engine will not produce such protected information. Moreover, any inadvertent disclosure of such information, or any disclosure of documents underlying that information, shall not be deemed a waiver of any privilege or immunity. Privileged documents that are otherwise responsive to any interrogatory will be identified on a privilege log in accordance with Rule 26(b)(5).

7. I/P Engine objects to the Interrogatories to the extent that they seek to impose an obligation of a continuing nature beyond that required by Rule 26(e).

8. I/P Engine objects to Google's definition of "'I/P Engine,' 'you,' 'your' and 'Plaintiff'" (set forth in Paragraph 1) because the phrase "affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest" is vague so as to not be clear and comprehensible and also is overly broad because the phrase purports to include independent third parties. In responding to these Interrogatories, I/P Engine will limit its responses to I/P Engine, Inc. Further, with respect to Interrogatories seeking information from individual persons within I/P Engine, I/P Engine will limit its responses to current employees.

9. I/P Engine objects to the Interrogatories as overly broad and unduly burdensome to the extent that they seek information beyond what is available from a reasonable search of I/P Engine's files likely to contain relevant or responsive documents and a reasonable inquiry of I/P Engine's current employees.

10. I/P Engine objects to Google's definition of "Accused Products" (set forth in Paragraph 20) because the phrase "each and every product that I/P Engine contends is directly infringing (or otherwise falling within, embodying, or meeting), or is inducing or contributing to the infringement" is overly broad so as to demand information that is not relevant to the issues framed by the pleadings.

11. I/P Engine objects to the Interrogatories to the extent that they fail to comply with Rule 33(a)(1) as the propounding party has exceeded the limit of 25 written interrogatories through the use of excessive discrete sub-parts.

### **RESPONSES AND SPECIFIC OBJECTIONS**

Statements made herein regarding I/P Engine's intention to provide information or documents responsive to any given Interrogatory do not necessarily indicate or imply the existence of any information or documents responsive thereto. Furthermore, any information provided or referred to herein is not deemed to be a waiver of I/P Engine's objections as to the

authenticity, competency, relevancy, materiality, privilege or admissibility of evidence in this or any subsequent proceeding or trial in this or any other action for any purpose whatsoever. In addition, I/P Engine reserves the right to supplement or amend its responses to the Interrogatories based upon information, documents, and things it receives during discovery or obtains upon further investigation.

Discovery and trial preparation in this matter have not been completed. I/P Engine is continuing its investigation to obtain information responsive to the Interrogatories. Therefore, all responses will be given without prejudice to I/P Engine's right to introduce documents or information discovered or deemed responsive subsequent to the date of these responses.

In gathering relevant and responsive information, I/P Engine has interpreted the Interrogatories utilizing ordinary meanings of words and has expended reasonable efforts to identify information that appears responsive. To the extent that the Interrogatories purport to seek information other than as so interpreted, I/P Engine objects on the ground that the Interrogatories are vague, ambiguous and overbroad.

I/P Engine's responses to the Interrogatories are without waiver or limitation of I/P Engine's right to object on the grounds of authenticity, competency, relevancy, materiality, privilege, admissibility as evidence for any purpose, or any other grounds to the use of any documents or information in any subsequent proceeding in, or the trial of, this or any other action.

I/P Engine's production, if any, of third party documents related to this litigation does not waive or limit I/P Engine's, or any other party's, right to object on the grounds of authenticity, competency, relevancy, materiality, privilege, admissibility as evidence for any purpose, or any other grounds to the use of any documents or information in any subsequent proceeding in, or the trial of, this or any other action. I/P Engine's producing of such documents also does not constitute an admission or representation that the information contained within the

documents is known or reasonably available to I/P Engine. Additionally, I/P Engine does not have a legal right to obtain or demand further documents from any third party, or have an established relationship with any third party.

Any documents produced prior to entry of a Protective Order will be treated as OUTSIDE COUNSEL EYES ONLY. After a Protective Order is entered, I/P Engine will appropriately designate its documents to comply with the Order.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1:**

For each asserted claim of the PATENTS-IN-SUIT, describe in detail all facts RELATING TO its conception and reduction to practice, including but not limited to: IDENTIFYING the date of conception, the date of reduction to practice of its subject matter, all acts YOU contend represent diligence occurring between the dates of conception and reduction to practice, each person involved in such conception, diligence and/or reduction to practice, where the invention was first reduced to practice, when, where, and to whom the invention was first disclosed, and IDENTIFYING each person, including third parties, who worked on the development of the alleged invention(s) described and claimed in the PATENTS-IN-SUIT, describing each person's role (e.g., producer, developer, tester, technician, researcher, etc.), the dates and places each such person assisted, supervised, or was otherwise so involved, and the identity of all documents evidencing conception, diligence and reduction to practice.

### **RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine further objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable

privilege or immunity. Subject to and without waiving its foregoing objections, I/P Engine responds:

I/P Engine, under Rule 33(d) of the Federal Rules of Civil Procedure, will produce documents from which information responsive to this Interrogatory may be derived or ascertained.

**INTERROGATORY NO. 2:**

IDENTIFY all patents, patent applications, publications, web sites, products, services, and methods, that predate November 19, 1998 and RELATE TO filtering information through content-based and collaborative filters<sup>1</sup> that were at any time known to PLAINTIFF, LYCOS, WISEWIRE, any of the named inventors of the PATENTS-IN-SUIT, or anyone participating in the prosecution of the PATENTS-IN-SUIT or the agents of any of the foregoing, and when they became known.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine also objects to this Interrogatory to the extent that it seeks information not in I/P Engine's possession, custody or control. I/P Engine objects to the phrase "one content-based filter and at least one collaborative filter" in this Interrogatory as vague and unascertainable. Subject to and without waiving its foregoing objections, I/P Engine responds:

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<sup>1</sup> For avoidance of doubt, a patent, patent application, publication, web site, product, service, or method falls within the scope of Interrogatory No. 2 only if it employs at least one content-based filter and at least one collaborative filter.

I/P Engine, under Rule 33(d) of the Federal Rules of Civil Procedure, will produce documents from which information responsive to this Interrogatory may be derived or ascertained.

**INTERROGATORY NO. 3:**

Identify each secondary consideration PLAINTIFF will rely on to rebut a claim of obviousness and describe in detail why each secondary consideration demonstrates non-obviousness, and identify all documents and evidence that support any such theory.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine further objects to this Interrogatory as premature because it seeks evidence of non-obviousness before Google has identified its obviousness claims and the bases therefore. I/P Engine further objects to this Interrogatory as premature to the extent that it seeks expert opinion evidence, which will be provided in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, or the Court's scheduling orders, or anything other than I/P Engine's present contentions, which are subject to development as discovery proceeds.

**INTERROGATORY NO. 4:**

Identify the level of skill of a person of ordinary skill in the art of the subject matter of the PATENTS-IN-SUIT as of their respective filing dates.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client

privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine further objects to this Interrogatory as premature to the extent that it seeks expert opinion evidence, which will be provided in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, or the Court's scheduling orders, or anything other than I/P Engine's present contentions, which are subject to development as discovery proceeds.

**INTERROGATORY NO. 5:**

Identify any product or software known to YOU that practices or practiced any claim of the PATENTS-IN-SUIT, or that YOU allege to be an embodiment of any invention claimed in the PATENTS-IN-SUIT, including without limitation products or software designed, programmed, owned, marketed, sold or licensed by PLAINTIFF, LYCOS, or WISEWIRE.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine also objects to this Interrogatory to the extent that it seeks information not in I/P Engine's possession, custody or control. Subject to and without waiving the foregoing objections, I/P Engine responds:

Defendant Google, Inc.'s products, methods and systems promoted under the names of Google AdWords, Google AdSense for Search, and Google Search. I/P Engine served its Preliminary Disclosures of Asserted Claims and Pre-Discovery Infringement Contentions as to Google, Inc. on November 7, 2011. I/P Engine hereby incorporates those Disclosures by reference and submits that its response to this Interrogatory may be derived from those

disclosures. I/P Engine's pre-discovery contentions were based on known publicly available information, and are subject to change based on the Court's claim construction, discovery, additional evidence, and/or further investigation. I/P Engine reserves the right to amend and/or supplement its infringement contentions if and when further information becomes available.

Defendant IAC Search & Media, Inc.'s products, methods and systems promoted under the name of Ask.com Sponsored Listings, and its systems using Google, Inc.'s products, methods and systems promoted under the names of Google AdWords and Google AdSense for Search. I/P Engine served its Preliminary Disclosures of Asserted Claims and Pre-Discovery Infringement Contentions as to IAC Search & Media, Inc. on November 11, 2011. I/P Engine hereby incorporates those Disclosures by reference and submits that its response to this Interrogatory may be derived from those disclosures. I/P Engine's pre-discovery contentions were based on known publicly available information, and are subject to change based on the Court's claim construction, discovery, additional evidence, and/or further investigation. I/P Engine reserves the right to amend and/or supplement its infringement contentions if and when further information becomes available.

Defendant AOL, Inc.'s products, methods and systems promoted under the name AOL's Advertising.com Sponsored Listings, products, methods and systems promoted under the phrase AOL's white-label, modified version of Google AdWords, and its systems using Google, Inc.'s products, methods and systems promoted under the names of Google AdWords and Google AdSense for Search. I/P Engine served its Preliminary Disclosures of Asserted Claims and Pre-Discovery Infringement Contentions as to AOL, Inc. on November 11, 2011. I/P Engine hereby incorporates those Disclosures by reference and submits that its response to this Interrogatory may be derived from those disclosures. I/P Engine's pre-discovery contentions were based on

known publicly available information, and are subject to change based on the Court's claim construction, discovery, additional evidence, and/or further investigation. I/P Engine reserves the right to amend and/or supplement its infringement contentions if and when further information becomes available.

Defendant Target Corporation's systems using Google, Inc.'s products, methods and systems promoted under the names of Google AdWords and Google AdSense for Search. I/P Engine served its Preliminary Disclosures of Asserted Claims and Pre-Discovery Infringement Contentions as to Target Corporation on November 11, 2011. I/P Engine hereby incorporates those Disclosures by reference and submits that its response to this Interrogatory may be derived from those disclosures. I/P Engine's pre-discovery contentions were based on known publicly available information, and are subject to change based on the Court's claim construction, discovery, additional evidence, and/or further investigation. I/P Engine reserves the right to amend and/or supplement its infringement contentions if and when further information becomes available.

Defendant Gannett Company, Inc.'s systems using Google, Inc.'s products, methods and systems promoted under the names of Google AdWords and Google AdSense for Search. I/P Engine served its Preliminary Disclosures of Asserted Claims and Pre-Discovery Infringement Contentions as to Gannett Company, Inc. on November 11, 2011. I/P Engine hereby incorporates those Disclosures by reference and submits that its response to this Interrogatory may be derived from those disclosures. I/P Engine's pre-discovery contentions were based on known publicly available information, and are subject to change based on the Court's claim construction, discovery, additional evidence, and/or further investigation. I/P Engine reserves

the right to amend and/or supplement its infringement contentions if and when further information becomes available.

**INTERROGATORY NO. 6:**

Describe in detail all efforts to mark any product authorized or licensed under the PATENTS-IN-SUIT with the patent number of the PATENTS-IN-SUIT, including IDENTIFYING the beginning and end dates of any such patent marking (including the beginning or end dates of any interruption in patent marking), the seller of such marked products, and the manner of marking for each marked product, such as the location of the patent marking and/or the manner of such patent marking.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine also objects to this Interrogatory to the extent that it seeks information not in I/P Engine's possession, custody or control. Subject to and without waiving its foregoing objections, I/P Engine responds:

I/P Engine, under Rule 33(d) of the Federal Rules of Civil Procedure, will produce documents from which information responsive to this Interrogatory may be derived or ascertained.

**INTERROGATORY NO. 7:**

For each claim of the PATENTS-IN-SUIT you contend is infringed, identify every one of GOOGLE's products that you allege infringes each such claim, provided a detailed explanation, with all evidence and reasons, how each product meets each element of every claim, whether

such alleged infringement is literal or by equivalents, an explanation of how 35 U.S.C. § 112 ¶ 6 is satisfied for any element you contend is drafted in means plus function form, including without limitation identification of corresponding structures in the patent specification and the ACCUSED PRODUCTS and an explanation of how they are the same or equivalent; an explanation of whether such alleged infringement is direct (i.e., under 35 U.S.C. § 271(a)) or indirect (i.e., under 35 U.S.C. §§ 271 (b) and (c)); and if indirect, an identification of each third party whose alleged infringement is direct, and identify all documents and evidence supporting any such contentions.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine further objects to this Interrogatory as premature to the extent that it seeks expert opinion evidence, which will be provided in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, or the Court's scheduling orders. Subject to and without waiving the foregoing objections, I/P Engine responds:

I/P Engine served its Preliminary Disclosures of Asserted Claims and Pre-Discovery Infringement Contentions as to Google, Inc. on November 7, 2011. I/P Engine hereby incorporates those Disclosures by reference and submits that its response to this Interrogatory may be derived from those disclosures. I/P Engine's pre-discovery contentions were based on known publicly available information, and are subject to change based on the Court's claim construction, discovery, additional evidence, and/or further investigation. I/P Engine reserves

the right to amend and/or supplement its infringement contentions if and when further information becomes available.

**INTERROGATORY NO. 8:**

If you contend that you are entitled to any monetary recovery as a result of alleged INFRINGEMENT of the PATENTS-IN-SUIT by GOOGLE, state whether you contend that you are entitled to lost profits or a reasonable royalty, and state all facts, evidence, and reasons upon which you rely in support of your contention, such that if you contend you are entitled to an award of lost profits damages, you identify each of your products you allege falls within the scope of any claim of the PATENTS-IN-SUIT and state the total sales annually in units and dollars from its introduction to the present, and if you contend you are entitled to an award of reasonable royalty damages, state what you assert to be a reasonable royalty to be paid by GOOGLE under 35 U.S.C. Section 284, including the complete factual bases on which you base your calculation of such royalty rate.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine further objects to this Interrogatory as premature because discovery in this matter has just begun, and further to the extent that it seeks expert opinion evidence, which will be provided in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, or the Court's scheduling orders. Subject to and without waiving the foregoing objections, I/P Engine responds:

I/P Engine seeks compensatory damages, past and future, amounting to no less than reasonable royalties and prejudgment interest to compensate it for Google's infringement.

**INTERROGATORY NO. 9:**

For each of the PATENTS-IN-SUIT state the priority date PLAINTIFF claims for each claim and identify the portion(s) of the specification in any earlier application that support that priority date.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine objects to this Interrogatory to the extent it seeks a legal conclusion. Subject to and without waiving its foregoing objections, I/P Engine responds:

Each of the asserted claims of the patents-in-suit are entitled to a priority date at least as early as the effective date of the '420 patent, i.e., December 3, 1998 (based on the filing date of the patent application, U.S. Patent Application No. 09/204,149, that issued as the '420 patent). Additionally, each of the asserted claims of the patents-in-suit may be entitled to an earlier effective date based on, without limitation, the filing of earlier related patent applications.

**INTERROGATORY NO. 10:**

IDENTIFY and describe in detail all the manners or techniques by which the PATENTS-IN-SUIT improved upon the PRIOR ART, added functionality that did not exist in the PRIOR ART, or provided a variation on or upgrade of the PRIOR ART, and for each such claimed improvement, added functionality, or variation or upgrade, state whether PLAINTIFF contends it

was a non-obvious or unpredictable improvement, addition of functionality, variation or upgrade and why.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable privilege or immunity. I/P Engine further objects to this Interrogatory as premature to the extent that it seeks expert opinion evidence, which will be provided in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Court, or the Court's scheduling orders. Subject to and without waiving its foregoing objections, I/P Engine responds:

I/P Engine, under Rule 33(d) of the Federal Rules of Civil Procedure, will produce documents from which information responsive to this Interrogatory may be derived or ascertained.

**INTERROGATORY NO. 11:**

IDENTIFY any and all persons to whom you, any owner, any assignee, and/or any exclusive licensee of the PATENTS-IN-SUIT have ever licensed, offered to license, or granted any rights under the PATENTS-IN-SUIT, or persons who have requested to license the PATENTS-IN-SUIT, and identify all DOCUMENTS related to any such license, offer, request, or other grant of rights.

**RESPONSE:**

Plaintiff incorporates its general objections and specific objections. I/P Engine objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, the work product doctrine, Rule 26(b)(4)(B) immunity, or any other applicable

privilege or immunity. I/P Engine further objects to this Interrogatory to the extent that it seeks information not in I/P Engine's possession, custody or control. Subject to and without waiving the foregoing objections, I/P Engine responds:

I/P Engine, under Rule 33(d) of the Federal Rules of Civil Procedure, will produce documents from which information responsive to this Interrogatory may be derived or ascertained.

Dated: December 7, 2011

By:           /s/ Charles J. Monterio, Jr.            
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Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of December, 2011, the foregoing **PLAINTIFF I/P ENGINE, INC.'S RESPONSES AND OBJECTIONS TO DEFENDANT GOOGLE, INC.'S FIRST SET OF INTERROGATORIES**, was served via email, on the following:

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