

# Exhibit 2

**Monterio, Charles**

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**From:** Falkler, Jonathan  
**Sent:** Monday, February 13, 2012 7:20 PM  
**To:** QE-IPEngine@quinnemanuel.com; senoona@kaufcan.com;  
cortney.alexander@finnegan.com; robert.burns@finnegan.com  
**Cc:** zz-IPEngine  
**Subject:** I/P Engine v. AOL et al. Plaintiff I/P Engine Supplemental Interrogatory Responses  
**Attachments:** First\_Supplemental\_Responses\_to\_Google\_s\_First\_Set\_of\_Interrogatories.pdf

Counsel,

Attached please find Plaintiff I/P Engine's First Supplemental Responses and Objections to Defendant Google, Inc.'s First Set of Interrogatories.

Regards,  
Jon

**Jonathan Falkler**  
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**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 FIRST SUPPLEMENTAL  
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, and the agreement of the parties, I/P Engine, Inc. (“I/P Engine”) hereby supplements its responses and objections 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 further 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**

I/P Engine incorporates herein each of the general objections included in its Responses and Objections to Defendant Google, Inc.’s First Set of Interrogatories as if fully set forth herein.

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.

### **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, and third parties, have produced documents from which information responsive to this Interrogatory may be derived or ascertained pursuant to Rule 33(d) of the Federal Rules of Civil Procedure. *See* IPEL0000302-305; IPEL0000308-314; IPEL0000326-329; IPEL0000418-425; IPEL0000606-608; IPEL0000675-683; IPEL0001062-1063; IPEL0001212-1242; IPEL0001270-1273; IPEL0001326-1334; IPEL0001395-1399; IPEL0001422-1424; IPEL0001467-1482; IPEL0001557-1561; IPEL0001717-1732; IPEL0001924-1926; IPEL0001956-1960; LANG0001048-1051; LANG0001317-1339; LANG0001473-1479; LANG0006083-6097; LANG0007021-7028; IPE0000916-2504.

**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.

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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.

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 and documents produced by third parties. I/P Engine and third parties have produced documents from which information responsive to this Interrogatory may be derived or ascertained pursuant to Rule 33(d) of the Federal Rules of Civil Procedure. *See* IPEL0000302-305; IPEL0000308-314; IPEL0000326-329; IPEL0000418-425; IPEL0000606-608; IPEL0000675-683; IPEL0001062-1063; IPEL0001212-1242; IPEL0001270-1273; IPEL0001326-1334; IPEL0001395-1399; IPEL0001422-1424; IPEL0001467-1482; IPEL0001557-1561; IPEL0001717-1732; IPEL0001924-1926; IPEL0001956-1960; LANG0001048-1051; LANG0001317-1339; LANG0001473-1479; LANG0006083-6097; LANG0007021-7028; IPE0000916-2504.

**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.

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 and/or third parties have produced documents from which information responsive to this Interrogatory may be derived or ascertained pursuant to Rule 33(d) of the Federal Rules of Civil Procedure. *See* LYCOS0000103-119.

Dated: February 13, 2012

By:           /s/ Charles J. Monterio, Jr.          

Jeffrey K. Sherwood

Frank C. Cimino, Jr.

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