

# Exhibit 3

**Monterio, Charles**

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**From:** Noona, Stephen E. [senoona@kaufcan.com]  
**Sent:** Friday, February 24, 2012 12:24 PM  
**To:** Brothers, Kenneth  
**Subject:** RE: RE:

Ken: I simply have not had a chance to discuss our discussion with lead counsel as he has been in depositions. As you know, you have had your several earlier communications with lead counsel and called me only after our latest meet and confer in which many of the same issues were discussed but not resolved. Also, I am not sure what your narrative answer would be as you have not proposed a draft. If you want to propose a draft, that would be helpful. As to the rest of your e-mail, I cannot agree that it is correct because I have not been part of discussions concerning other local rules. As discussed, the plaintiff does have the obligation to provide a clear answer as to conception/reduction to practice, etc and not leave it ambiguous as it affects the defenses in the matter. As promised, I will discuss your comments with David when he gets out of his depositions. Thanks,...SEN.

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**From:** Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]  
**Sent:** Friday, February 24, 2012 12:08 PM  
**To:** Noona, Stephen E.  
**Subject:** RE:

Steve:

In the draft opposition, I have the following statement, which I believe to be accurate:

Following service of Google's motion, and I/P Engine's supplemental response, the parties have discussed their differences. Google is attempting to apply certain obligations under the Northern District of California's local patent rules upon this Court by insisting on a narrative interrogatory response instead of reliance upon Rule 33(d). I/P Engine has offered to state that the date ranges for conception and reduction to practice are as reflected in the cited documents, but Google has not responded to this offer. Tellingly, Google has not asserted any prior art in its invalidity contentions that falls within the date range of the I/P Engine's cited documents, so this dispute is entirely theoretical.

If there is a way we can bridge our differences, please advise; otherwise, we'll need to file on Monday.

Ken

2/27/2012

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**From:** Noona, Stephen E. [<mailto:senoona@kaufcan.com>]  
**Sent:** Friday, February 24, 2012 12:04 PM  
**To:** Brothers, Kenneth  
**Subject:**

David is tied up in depositions this week and I have to go to Richmond today. I am not sure I will have an answer for you on our conversation,... SEN.

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2/27/2012

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