

# Exhibit 5

**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.

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 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

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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