

# Exhibit 5

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**From:** Monterio, Charles  
**Sent:** Monday, April 15, 2013 2:40 PM  
**To:** David Perlson; Margaret P. Kammerud; zz-IPEngine  
**Cc:** QE-IP Engine; 'Noona, Stephen E.'; 'W. Ryan Snow (wrsnow@cwm-law.com)'; 'Donald C. Schultz (dschultz@cwm-law.com)'  
**Subject:** RE: I/P Engine v. Google -- Proposed Schedule for Post-Judgment Damages

David,

Since our teleconference this morning, we have further discussed Defendants' request for an extension to file their opposition brief to I/P Engine's ongoing royalties motion, which was filed December 18, 2012 – almost 4 months ago. Defendants have provided no valid reason to further delay briefing, and therefore we decline to extend the briefing dates.

**Charles**  
(202) 420-5167

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**From:** David Perlson [mailto:davidperlson@quinnemanuel.com]  
**Sent:** Monday, April 15, 2013 10:39 AM  
**To:** David Perlson; Monterio, Charles; Margaret P. Kammerud; zz-IPEngine  
**Cc:** QE-IP Engine; 'Noona, Stephen E.'; 'W. Ryan Snow (wrsnow@cwm-law.com)'; 'Donald C. Schultz (dschultz@cwm-law.com)'  
**Subject:** RE: I/P Engine v. Google -- Proposed Schedule for Post-Judgment Damages

Charles, following up on this. Are we in agreement for extension at least so we can try to work something out? We proposed extra two weeks for our opposition and an extra week for your reply. Please let us know this morning.

David

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**From:** David Perlson  
**Sent:** Friday, April 12, 2013 3:33 PM  
**To:** Monterio, Charles; Margaret P. Kammerud; zz-IPEngine  
**Cc:** QE-IP Engine; 'Noona, Stephen E.'; 'W. Ryan Snow ([wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com))'; 'Donald C. Schultz ([dschultz@cwm-law.com](mailto:dschultz@cwm-law.com))'  
**Subject:** RE: I/P Engine v. Google -- Proposed Schedule for Post-Judgment Damages

Hey Charles, I think all that Meg meant is that would prob make sense to have at least some extension while we try to hammer this out (and a corresponding extension for reply of course). It did seem like we all thought that made sense but perhaps we misunderstood.

In any event, the schedule below does lay out the position. Perhaps we just need to have a phone call? I am in office if you want to chat.

Thanks

**David Perison**

*Partner,*

Quinn Emanuel Urquhart & Sullivan, LLP

50 California Street, 22nd Floor  
San Francisco, CA 94111  
415-875-6344 Direct  
415.875.6600 Main Office Number  
415.875.6700 FAX  
[davidperison@quinnemanuel.com](mailto:davidperison@quinnemanuel.com)  
[www.quinnemanuel.com](http://www.quinnemanuel.com)

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**From:** Monterio, Charles [<mailto:MonterioC@dicksteinshapiro.com>]  
**Sent:** Friday, April 12, 2013 3:30 PM  
**To:** Margaret P. Kammerud; zz-IPEngine  
**Cc:** QE-IP Engine; 'Noona, Stephen E.'; 'W. Ryan Snow ([wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com))'; 'Donald C. Schultz ([dschultz@cwm-law.com](mailto:dschultz@cwm-law.com))'  
**Subject:** RE: I/P Engine v. Google -- Proposed Schedule for Post-Judgment Damages

Meg,

It seems that there is a disconnect in what we discussed during our call earlier this week. We never agreed that extending the briefing schedule concerning I/P Engine's ongoing royalties motion was appropriate. During the meet and confer, we agreed to consider a subsequent proposal from Defendants to address the alleged issues that Defendants believe exist based on Google's future implementation of an allegedly, non-infringing AdWords system. While I/P Engine does not understand fully why Defendants believe this future AdWords system impacts the ongoing royalties briefing other than potentially establishing a sunset date, we were willing to consider your proposal and explanation for it.

Based on your email below, it is unclear as to what type of extension and discovery relating to both the current briefing schedule and discovery relating to Google's claimed design around you are proposing.

Please clarify so that we can consider and respond.

**Charles**  
(202) 420-5167

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[www.DicksteinShapiro.com](http://www.DicksteinShapiro.com)

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**From:** Margaret P. Kammerud [<mailto:margaretkammerud@quinnemanuel.com>]  
**Sent:** Friday, April 12, 2013 4:56 PM  
**To:** Monterio, Charles; zz-IPEngine  
**Cc:** QE-IP Engine; 'Noona, Stephen E.'; 'W. Ryan Snow ([wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com))'; 'Donald C. Schultz ([dschultz@cwm-law.com](mailto:dschultz@cwm-law.com))'

[law.com](#))'

**Subject:** I/P Engine v. Google -- Proposed Schedule for Post-Judgment Damages

Charles,

As discussed on our call this week, the parties are in agreement that some extension to the present briefing schedule concerning Plaintiff's motion for post-judgment damages is appropriate.

In order to allow Plaintiff ample time for discovery concerning the launch of a change in the operation of AdWords and to allow Defendants ample discovery concerning Plaintiff's post-judgment damage theories, we propose the following schedule. Bartholomew Furrow will be traveling outside the country in May and early June, so at this point, June 7 is the earliest deposition date we can offer for him

Please let us know if you are amenable to this schedule, and we will prepare a motion seeking this extension.

In interim, while you are considering this proposal, can you confirm that Plaintiff will agree to an additional two weeks for the Defendants' opposition brief? We will obviously reciprocate with your reply.

Best,  
Meg

Proposed Schedule:

- May 17 - Source code available for review
- On or before June 7 - Provide Bartholomew Furrow for deposition
- June 21 - Plaintiff to serve any additional expert declaration or revised motion.
- July 2 - Dr. Becker (or any other expert on whom Plaintiff may rely) will be made available for deposition by this date.
- Defendants will have two weeks from final expert(s) deposition to file opposition.
- Plaintiff will have two weeks from filing of opposition to file reply.

**Margaret P. Kammerud**

*Associate,*

**Quinn Emanuel Urquhart & Sullivan, LLP**

50 California Street, 22nd Floor

San Francisco, CA 94111

[415-875-6316](tel:415-875-6316) Direct

[415.875.6600](tel:415.875.6600) Main Office Number

[415.875.6700](tel:415.875.6700) FAX

[margaretkammerud@quinnemanuel.com](mailto:margaretkammerud@quinnemanuel.com)

[www.quinnemanuel.com](http://www.quinnemanuel.com)

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