

# EXHIBIT 29

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**From:** David Perlson  
**Sent:** Wednesday, April 17, 2013 6:59 PM  
**To:** Monterio, Charles  
**Cc:** Emily O'Brien; zz-IPEngine; 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

Charles,

Despite the Defendants' good faith efforts, your response once again both mischaracterizes the parties' discussions and represents a complete change in Plaintiff's position.

Your statement that "Defendants have not offered any substantive information about the alleged, future change" is flatly untrue. Just as in recent discussions on extending the time to respond to a pending motion, you distort the plain facts. In an April 8 email, we informed Plaintiff that Google will be launching a change in the operation of AdWords that would remove the functionality that Plaintiff has pointed to for infringement of the filtering step, and would not infringe under Plaintiff's theories. (See April 8 Email from Kammerud). Then, on our April 9 call we specifically told you what was changing. I mentioned that Plaintiff accused three functionalities of infringing its patents—QBB disabling, thresholding, and promotion. I told you that QBB disabling has already been removed from AdWords. I also told you the accused promotion and thresholding steps would be removed in the next few weeks. I can provide a further update that we expect these changes to be code complete early next week, and launched about two weeks after that. Even more, in our April 12 email, we offered to make the source code related to this launch available for inspection on May 17, and to make Bartholomew Furrow available for deposition as well. There is no hypothetical or a mere possibility. Defendants proposed a specific and definite plan for discovery related to these changes that have happened and will happen.

Nevertheless, Plaintiff rejected this proposal, recanted on its agreed upon extension of briefing in connection with its motion, and explicitly stated that it believed that no additional discovery was necessary for the parties to provide responses to I/P Engine's ongoing royalties motion. Your own April 15 e-mail clearly and plainly stated in no uncertain terms: "[a]nd we reconfirm that I/P Engine does not believe that additional discovery is necessary for the parties to provide responses to I/P Engine's ongoing royalties motion." This position served Plaintiff well when it was seeking to prevent the extension of time to respond to the pending motion.

Now that the Court has ordered expedited briefing on Defendants' Renewed Motion to Compel Becker Plaintiff has strategically changed its tune. You now conveniently ignore your prior statements and are asserting that you are entitled to, and in fact intend to take discovery into Google's changed system, but that you only intend to do so once it's in place. There are several problems with this position.

First, as we have told you, QBB disabling is already gone. The change has been made. There is no need or reason to wait for anything should Plaintiff believe, as it now asserts, that discovery into changes is appropriate. We have offered this, Plaintiff has just refused to take it.

Further, given that the code for the remaining changes will be available next week, there is no reason why Plaintiff cannot review this code as well very soon.

Thus, the only sensible thing to do is to proceed as we proposed in Meg's April 12 email. But Plaintiff has instead chosen to put its head in the sand and proceed as if the functionality it accused of meeting the filtering elements does exist and will continue to exist. That does not reflect reality; your actions are needlessly forcing a multiplication of litigation costs and smack of gamesmanship.

We state again that, if Plaintiff continues to reject our proposal, moving forward on its motion for ongoing royalties that is not based on the facts as they exist and forcing Defendants to respond to that motion without taking up Defendants offer to Plaintiff of the opportunity to discover the actual facts, then we will oppose any later attempt by Plaintiff to obtain the same discovery Plaintiff now says it does not need. It is unfair for Plaintiff to reserve the right to take some unknown additional amount of discovery at some undetermined future point in time after having stated that such discovery was unnecessary, and after Defendants have already responded to Plaintiff's Motion for an Award of Post-Judgment Damages that Defendants have already informed Plaintiff is based on assumptions that are incorrect.

Please include this correspondence as an exhibit to its opposition to Defendants' Renewed Motion should you include the email to which it responds. It is only fair that you present the Court with a complete picture of our efforts to resolve this matter.

David

On Apr 17, 2013, at 3:30 PM, "Monterio, Charles" <[MonterioC@dicksteinshapiro.com](mailto:MonterioC@dicksteinshapiro.com)> wrote:

Emily,

Defendants notified I/P Engine of the possibility that Google may implement a future AdWords system that Google claims will be non-infringing. Defendants have not offered any substantive information about the alleged, future change, instead only offering a deposition of Mr. Furrow in June. Significant additional discovery will be necessary to the extent that Google claims that it has (at some time in the future) launched a design around. Google's claim that it may, sometime in the future launch a non-infringing system is separate and apart from I/P Engine's motion for ongoing royalties. The ongoing royalties briefing is based on (1) Defendants' ongoing infringement and use of Google's adjudged infringing system – which is the current system, and (2) the jury's special interrogatory determinations on the verdict form. Neither is

impacted by a possible future implementation of the AdWords system that was not submitted at the time of the verdict; and Defendants have not provided any case law to support any position to the contrary.

Because these two issues are unrelated, I/P Engine cannot agree to an offer to discuss the future system based on an unrelated agreement to postpone the ongoing royalties briefing schedule. Defendants' demand that I/P Engine do so is inappropriate. If Google does launch what it claims to be a design around, only then will discovery be appropriate relating to that claim. I/P Engine will seek discovery and other remedies from the Court to the extent that this becomes an issue in the future.

**Charles**  
(202) 420-5167

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**From:** Emily O'Brien [<mailto:emilyobrien@quinnemanuel.com>]  
**Sent:** Tuesday, April 16, 2013 4:57 PM  
**To:** zz-IPEngine  
**Cc:** QE-IP Engine; 'Noona, Stephen E.'  
**Subject:** I/P Engine v. Google

Counsel,

As we informed you on our meet and confers, Defendants will be raising the imminent change to Google's system, which removes the accused functionality for promotion and disabling, as part of their opposition to Plaintiff's Motion for an Award of Post-Judgment Royalties. Plaintiff has refused to take any discovery as to this change. Instead, on our call yesterday, Plaintiff indicated that it would address this change in some sort of separate proceeding and then would pursue discovery in such a proceeding. As we have indicated, a separate proceeding for dealing with this change makes no sense given that the change will be in place before the Court rules on Plaintiff's demand for an on-going royalty. In any event, as we have indicated and given Plaintiff's stated position that no discovery at all is warranted in connection with Plaintiff's Motion for Post-Judgment royalties, Defendants will not provide any discovery related to this design around at a later time after they have filed their opposition brief.

Thank you,  
Emily

**Emily O'Brien**

*Associate,*

Quinn Emanuel Urquhart & Sullivan, LLP

50 California Street, 22nd Floor  
San Francisco, CA 94111  
415-875-6323 Direct  
415.875.6600 Main Office Number  
415.875.6700 FAX

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

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

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