

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

I/P ENGINE, INC.

Plaintiff,

v.

AOL INC., *et al.*,

Defendants.

Civil Action No. 2:11-cv-512

**DEFENDANTS' NOTICE OF APPEAL**

Defendants AOL Inc., Gannett Co., Inc. Google Inc., IAC Search & Media, Inc., and Target Corporation (“Defendants”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the final judgment regarding supplemental damages and pre-judgment interest, which the District Court entered in the above-captioned action on January 3, 2014. (Dkt. 1081 at 5.) Defendants also hereby appeal the Order that was filed together with that judgment and gave rise to that judgment (Dkt. 1081 at 1-4), together with all other orders giving rise to that judgment, including but not limited to the District Court's Order of August 1, 2013. (Dkt. 960.)

Under 28 U.S.C. § 1292(c)(2), Defendants believe that their prior Notice of Appeal, filed on April 4, 2013 (Dkt. 914) was sufficient to appeal the District Court’s prior judgment of November 20, 2012 (Dkt. 801) and all orders giving rise to that judgment. Nonetheless, should it be determined that the District Court’s judgment of November 20, 2012 was not sufficiently “final” for appeal purposes while supplemental damages and pre-judgment interest remained

pending, Defendants hereby renew their appeal of the November 20, 2012 judgment and all orders giving rise to that judgment.

Included is a payment of all required fees, \$5 filing fee required by 28 U.S.C. § 1917 and the \$500 docketing fee required by Federal Circuit Rule 52(a)(3)(A) and this Court's e-filing system, paid to this Court pursuant to Federal Rule of Appellate Procedure 3(e) and Federal Circuit Rule 52(a)(2).

DATED: January 10, 2014

Respectfully submitted,

/s/ Stephen E. Noona  
Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624.3000  
Facsimile: (757) 624.3169  
senoona@kaufcan.com

David Bilsker  
David A. Perlson  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700  
davidbilsker@quinnemanuel.com  
davidperlson@quinnemanuel.com

*Counsel for Google Inc., Target Corporation, IAC  
Search & Media, Inc., and Gannett Co., Inc.*

/s/ Stephen E. Noona

Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 W. Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169

Robert L. Burns  
FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190  
Telephone: (571) 203-2700  
Facsimile: (202) 408-4400

Cortney S. Alexander  
FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER, LLP  
3500 SunTrust Plaza  
303 Peachtree Street, NE  
Atlanta, GA 94111  
Telephone: (404) 653-6400  
Facsimile: (415) 653-6444

*Counsel for Defendant AOL, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Jeffrey K. Sherwood  
Kenneth W. Brothers  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street NW  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201  
sherwoodj@dicksteinshapiro.com  
brothersk@dicksteinshapiro.com

Donald C. Schultz  
W. Ryan Snow  
Steven Stancliff  
CRENSHAW, WARE & MARTIN, P.L.C.  
150 West Main Street, Suite 1500  
Norfolk, VA 23510  
Telephone: (757) 623-3000  
Facsimile: (757) 623-5735  
dschultz@cwm-law.com  
wrsnow@cwm-law.com  
sstancliff@cwm-law.com

*Counsel for Plaintiff, I/P Engine, Inc.*

/s/ Stephen E. Noona

Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624.3000  
Facsimile: (757) 624.3169  
senoona@kaufcan.com