

**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

**JOINT MOTION AND MEMORANDUM IN SUPPORT OF JOINT MOTION TO
EXPEDITE BRIEFING ON DEFENDANTS' MOTION TO POSTPONE
BRIEFING AND RULING ON PLAINTIFF'S MOTION FOR POST-JUDGMENT
ROYALTIES**

The Defendants Google Inc., Target Corporation, IAC Search & Media, Inc., Gannett Co., Inc. and AOL Inc. (collectively "Defendants"), and the Plaintiff I/P Engine, Inc. ("Plaintiff") respectfully move this Court to expedite the briefing on the Defendants' Motion to Postpone Briefing and Ruling on Plaintiff's Motion for Post-Judgment Royalties, and in support thereof, state as follows:

1. Trial in this matter proceeded for four weeks before a jury with judgment in favor of the Plaintiff being entered on November 21, 2012 (Dkt. 801).
2. On December 18, 2012, the parties filed the following post-judgment motions (collectively, "Post-Judgment Motions"):

A. By Defendants:

- Renewed Motion for Judgment as a Matter of Law on Invalidity or New Trial (Dkt. 820);
- Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial (Dkt. 831); and
- Renewed Motion for Judgment as a Matter of Law on Damages or a New Trial (Dkt. 833);

B. By Plaintiff:

- Motion for New Trial on the Dollar Amount of Past Damages by I/P Engine, Inc. (Dkt. 825);
- Motion for Judgment under Rule 52(B) and a New Trial under Rule 59 by I/P Engine, Inc. (Dkt. 835);
- Motion for an Award of Post-Judgment Royalties by I/P Engine, Inc. (Dkt. 822) (“Motion for Post-Judgment Royalties”).

The parties have agreed to move for an extension of time to respond to the Post-Judgment Motions, such that Oppositions would be due on January 25, 2013, and Reply Briefs would be due on February 15, 2013.

3. On December 21, 2012, the Defendants filed their Motion to Postpone Briefing and Ruling on Plaintiff’s Motion for Post-Judgment Royalties. Unless expedited, a response to that motion will not be due until January 4, 2013 under Local Rule 7, and a reply will not be due until January 10, 2013, which would leave Defendants with little time to prepare their Opposition to Plaintiff’s Motion for Post-Judgment Royalties if necessary. To ensure sufficient time for a response while avoiding unnecessary expenditure of resources, Defendants and Plaintiff have jointly requested that the response to the Motion to Postpone Briefing and Ruling on Plaintiff’s Motion for Post-Judgment Royalties be expedited.
4. Plaintiff and Defendants jointly request that the Court enter an order requiring expediting the briefing schedule for the Motion To Postpone Briefing and Ruling on Plaintiff’s Motion for

Post-Judgment Royalties. The parties request that the Proposed Order attached as **Exhibit 1** be entered expediting the briefing as follows:

- Plaintiff to respond to the Motion To Postpone Briefing and Ruling on Plaintiff's Motion for Post-Judgment Royalties by December 31, 2012; and
- Defendants' Reply Brief be filed on or before January 3, 2013.

WHEREFORE, the parties request that this Court expedite the briefing of Defendants' Motion To Postpone Briefing and Ruling on Plaintiff's Motion for Post-Judgment Royalties, with Plaintiff's Opposition due on December 31, 2012 and Defendants' Reply Brief due on January 3, 2013.

DATED: December 21, 2012

/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.

/s/ Donald C. Schultz
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

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

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2012, 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

