

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

I/P ENGINE, INC.	Plaintiff,
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v.

AOL, INC., <i>et al.</i> ,	Defendants.
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Civil Action No. 2:11-cv-512

**MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION FOR LEAVE TO FILE
NOTICE OF SUPPLEMENTAL EVIDENCE**

Good cause supports Defendants' motion pursuant to Local Rule 7(f)(1) for an order granting leave to file "Defendants' Notice of Supplemental Evidence." The Notice identifies new evidence that was not available when Defendants filed their opposition to I/P Engine's motion for post-judgment royalties on May 13, 2013. As described in the Notice of Supplemental Evidence, that evidence is a May 30, 2013 SEC filing by I/P Engine's parent corporation, Vringo, describing a recent license agreement entered into for the patents-in-suit, settling a case I/P Engine filed on January 31, 2013, in the Southern District of New York, asserting infringement of the same patents at issue in this case against Microsoft. This license agreement is relevant to I/P Engine's pending motion for post-judgment royalties. *See Transocean Offshore Deepwater Drilling, Inc. v. Maersk Drilling USA, Inc.*, 699 F.3d 1340, 1357-59 (Fed. Cir. 2012) (patentee's licensing practices are relevant to determining form of agreement that would result from hypothetical negotiation). Because this evidence is relevant and was not available when Defendants filed their opposition to I/P Engine's motion for post-judgment royalties, there is good cause for this Motion for Leave.

DATED: June 4, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2013, 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:

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