

EXHIBIT 12

**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

AGREED ORDER

Counsel for Plaintiff I/P Engine, Inc. (“I/P Engine”) and Counsel for Defendants AOL Inc., Google Inc., IAC Search and Media, Inc., Target Corporation and Gannett Company, Inc. (collectively “Defendants”), by their respective signature of approval below, represent to the Court that they have agreed to resolve I/P Engine’s pending Motion to Show Cause Under Rule 37 for Noncompliance with August 13, 2013 Order (D.I. 978) by agreeing to the following:

1. By September 13, 2013, Google shall produce all documents, including custodial documents, “relevant for determining whether New AdWords is not more than a colorable variation of the adjudicated product.”

2. By September 11, 2013, I/P Engine shall serve one (1) interrogatory on Defendants requesting a narrative identifying what features have been modified or removed from the adjudged infringing systems, identifying and describing the “new” features and/or functionality that replaced the modified or removed features, providing an overview of how the New AdWords system having the “new” features generally works (from receiving a user’s search query to displaying the relevant advertisements), and describing any features that enabled

the removal of those features or now perform any function(s) of those features. By September 18, 2013, Google shall serve its narrative response, to which it will not assert Rule 33(d), on I/P Engine.

3. The parties agreed to extensions of time with respect to the discovery and briefing schedule set forth in the Court’s August 13 Order. The agreed-upon deadlines are as follows:

Schedule	Agreed-Upon Deadline
Google shall produce all documents, including custodial documents, “relevant for determining whether New AdWords is not more than a colorable variation of the adjudicated product.”	September 13, 2013
The parties shall serve Technical Expert Witness Reports.	October 25, 2013
The parties shall serve Technical Expert Rebuttal Reports.	November 15, 2013
The parties shall file opening briefs and any supporting evidence, not to exceed fifteen (15) pages, addressing whether New AdWords is not more than a colorable variation of the adjudicated product.	December 6, 2013
The parties may file responsive briefs, not to exceed ten (10) pages.	December 16, 2013
The parties shall meet and negotiate an appropriate ongoing royalty rate, using 20.9% of U.S. AdWords revenues as the appropriate royalty base.	December 20, 2013
Evidentiary hearing – The Court, if necessary, may schedule an evidentiary hearing in which the parties may present appropriate evidence and offer arguments in support.	N/A

4. The parties agreed that Mr. Bartholomew Furrow, who was identified by Google as the most knowledgeable person of New AdWords, shall be deposed for no more than 14 hours, which may be on non-consecutive days. The parties remain limited to three (3) depositions per side, including expert witnesses.

Having fully been advised thereof, the agreed-upon terms above are hereby ORDERED.

ENTERED this _____ day of _____ 2013:

United States District Court Judge

WE ASK FOR THIS:

By: _____

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