

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



I/P ENGINE, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 2:11cv512

AOL INC., *et al.*,

Defendants.

ORDER

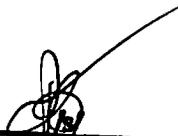
Before the Court is Defendants' Motion For Stay of Requirement that Defendants Provide Revenue Information and Calculations of Ongoing Royalty Payments. ECF No. 1092. On August 14, 2013, the Court in relevant part ordered Defendants "to pay any ongoing royalty to I/P Engine on a quarterly basis by wire transfer or other certified means of receipt. The Defendants are further ordered to certify by penalty of perjury the U.S. revenue attributable to Defendant's use of AdWords in U.S. Dollars and the calculation of the royalty payment. The Plaintiff shall have the right to request audits of relevant revenue figures and have its designated auditor review said data. All royalty payments are due within twenty days after the end of each calendar quarter." ECF No. 963 at 6. On April 11, 2014, the parties submitted a joint stipulation agreeing to stay payments of ongoing royalties pending the resolution of the parties' appeals. The Court signed this stipulation on April 14, 2014. ECF No. 1097. Plaintiff has taken the position that despite this stipulation, the Defendants are still obligated to provide the quarterly accounting previously ordered by the Court.

Defendants' Motion is **GRANTED**. The accounting requirement was clearly meant to accompany and facilitate the ongoing royalty payments, and was integral to enabling Plaintiff to verify the accuracy of the quarterly payments. Because the parties have agreed to stay the payments, the basis for the accounting outlined in the Court's August 14, 2013 Order no longer exists pending that stay. However, if the U.S. Court of Appeals for the Federal Circuit enters a final judgment in Plaintiff's favor, the Court will require Defendants to **IMMEDIATELY** produce the U.S. revenue attributable to their use of AdWords and the calculation of the royalty payment for past quarters.

The Clerk is **DIRECTED** to send a copy of this Order to the parties.

IT IS SO ORDERED.

Norfolk, Virginia
April 18, 2014



Raymond A. Jackson
United States District Judge