

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

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I/P ENGINE, INC.,)	
)	
	Plaintiff,)	
	v.)	Civ. Action No. 2:11-cv-512
)	
AOL, INC. et al.,)	
)	
	Defendants.)	
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**PLAINTIFF I/P ENGINE, INC.’S SECOND MOTION *IN LIMINE* TO PRECLUDE
NON-COMPARABLE LICENSE AGREEMENTS**

Pursuant to the Federal Rules of Evidence 401, 402, and 403, Plaintiff I/P Engine, Inc. (“I/P Engine”) requests that this Court exclude any testimony or other evidence of agreements that arose under dissimilar and widely divergent circumstances, and cover technologies that are not in the same field of use. Specifically, I/P Engine requests that this Court exclude any licenses that Google’s expert has included in his expert report that are not comparable licenses and any licenses between Google and other third parties that Google’s expert has included in his expert report solely to support his speculation that Google only enters into lump sum agreements, despite the fact that Google has no such policy. These licenses include DEX # 14, 15, 26 and 111-119 (discussed in further detail in the accompanying Memorandum in Support of this motion).

For the reasons set forth in the accompanying Memorandum in Support of Plaintiff I/P Engine, Inc.’s Second Motion *in Limine* to Preclude Non-Comparable License Agreements, precluding any evidence of, reference to, or suggestion of these licenses is the most effective

way to ensure that this irrelevant and prejudicial information is not considered at trial and does not confuse the jury.

Dated: September 21, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 2012, the foregoing **PLAINTIFF I/P ENGINE, INC.'S SECOND MOTION *IN LIMINE* TO PRECLUDE NON-COMPARABLE LICENSE AGREEMENTS**, was served via the Court's CM/ECF system, on the following:

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