

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

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I/P ENGINE, INC.,

Plaintiff,

v.

AOL, INC. et al.,

Defendants.

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Civ. Action No. 2:11-cv-512

**STIPULATION AND [PROPOSED] ORDER  
WITHDRAWING CERTAIN MOTIONS  
IN LIMINE PENDING BEFORE THE COURT**

**WHEREAS**, the parties have discussed and agreed to withdraw certain motions and the oppositions thereto in plaintiff I/P Engine's First Motion *in Limine* to Exclude Inadmissible Evidence ("MIL #1") [Dkt. No. 315].

**IT IS HEREBY STIPULATED AND AGREED**, by the parties hereto, through their undersigned counsel, subject to the approval of the Court, that the following Motions *in Limine*, and the objections thereto, are withdrawn and stipulated to as follows:

1. The parties agree that, without leave of Court, no party shall, in the presence of the jury, introduce evidence of or refer, directly or indirectly, to the retention or fee agreements of any party's counsel in this case, including the terms of any such retention or the amount of any attorneys' fees. This limitation shall apply equally to all parties. Based upon this agreement, MIL #1.C., and the opposition thereto [Dkt. No. 432, at 10], are withdrawn.

2. The parties agree that, without leave of Court, no party shall refer, directly or indirectly, in the presence of the jury, to discussions or correspondence between counsel that were not presented to the Court or discovery motions or motions for sanctions filed in this case. Further, no party shall offer any evidence or make any reference relating to any claim of privilege by the other party in the presence of the jury. Based upon this agreement, MIL #1.H. [Dkt. No. 315, at 13], and the opposition thereto [Dkt No. 432, at 16], are withdrawn.

3. The parties agree that, without leave of Court, they shall not, in the presence of the jury, make reference to or use inflammatory rhetoric, including “patent troll,” “shell corporation,” “paper-patent holder,” “pirate,” “playing the lawsuit lottery,” “corporate shell game,” or any similar inflammatory rhetoric. This agreement does not preclude Defendants from offering testimony, evidence, or argument that Plaintiff or the previous patent holders of the patents-in-suit did not make, sell, or market any products or services that embody the patents or offering testimony or evidence that Plaintiff is a non-practicing entity of the claimed invention or does not practice the claimed invention, or other factual information regarding the business of Plaintiff. Based upon this agreement, MIL #1.F. [Dkt No. 315, at 11], and the opposition thereto [Dkt No. 432, at 13], are withdrawn.

Dated: October 4, 2012

**Plaintiff I/P Engine, Inc.**

/s/ Jeffrey K. Sherwood  
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**Defendants**

/s/ Stephen E. Noona  
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Counsel for Defendant AOL, Inc.

**SO ORDERED:**

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Hon. Judge Raymond A. Jackson  
United States District Court  
Eastern District of Virginia

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of October, 2012, the foregoing

**STIPULATION AND [PROPOSED] ORDER WITHDRAWING CERTAIN**

**MOTIONS IN LIMINE PENDING BEFORE THE COURT**, was served via the

Court's CM/ECF system, on the following:

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