

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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**DECLARATION OF DAWN RUDENKO, ESQ. IN SUPPORT OF PLAINTIFF I/P ENGINE, INC.’S MOTION FOR AN AWARD OF PREJUDGMENT INTEREST, POST-JUDGMENT INTEREST, AND SUPPLEMENTAL DAMAGES FOR DEFENDANTS’ POST-DISCOVERY/PRE-VERDICT INFRINGEMENT**

I, Dawn Rudenko, Esq., declare as follows:

1. I am a partner with the law firm Dickstein Shapiro LLP, counsel of record for plaintiff I/P Engine, Inc. I make this declaration in support of I/P Engine’s Motion for an Award of Prejudgment Interest, Post-Judgment Interest and Damages for Defendants’ Continuing Infringement. I have personal knowledge of the facts set forth in this Declaration. If called upon to testify, I could and would certify competently to these facts.

2. On November 6, 2012, I requested via email that Defendants provide a supplemental response to I/P Engine’s Interrogatory No. 15 to include the missing revenues from October 1, 2012 to the present. A true and exact copy of my November 6, 2012 email is attached hereto as Exhibit 1.

3. Defendants refused to provide the requested supplemental information. A true and exact copy of Sarah Agudo, Esq. of Quinn Emanuel dated November 7, 2012 is attached hereto as Exhibit 2.

4. Based upon Defendants' November 7, 2012 response, I requested that Defendants review the Court's decision in the *ActiveVideo Networks, Inc.* case relating to this issue. I further explained that the *ActiveVideo* decision is support I/P Engine's request. I requested to meet and confer with counsel on the following day, if Defendants remained unwilling to provide the requested supplemental information. A true and exact copy of my November 7, 2012 email is attached hereto as Exhibit 3.

5. Defendants did not respond to my November 7, 2012 email.

6. On November 9, 2012, I reiterated I/P Engine's request for either supplementation or a meet and confer. A true and exact copy of my November 9, 2012 email is attached hereto as Exhibit 4.

7. Defendants' counsel responded asking for the *ActiveVideo Networks* decision and wanting to know what we intended to do with the supplemental information. I responded by sending the *ActiveVideo* decision; again stating that I/P Engine is seeking supplemental damages; and again asked for the supplemental data or a meet and confer. Counsel was not available to meet and confer today. Neither did counsel agree to provide the requested information. A true and exact copy of this November 9, 2012 email exchange between Defendants' counsel and myself is attached hereto as Exhibit 5.

\* \* \*

I declare under penalty of perjury that the foregoing is true and correct. I execute this declaration on November 9, 2012.

/s/ Dawn Rudenko  
Dawn Rudenko

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of November, 2012, the foregoing DECLARATION OF DAWN RUDENKO, ESQ. IN SUPPORT OF PLAINTIFF I/P ENGINE, INC.'S MOTION FOR AN AWARD OF PREJUDGMENT INTEREST, POST-JUDGMENT INTEREST, AND SUPPLEMENTAL DAMAGES FOR DEFENDANTS' POST-DISCOVERY/PRE-VERDICT INFRINGEMENT was served via the Court's CM/ECF system on the following:

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/s/ Jeffrey K. Sherwood \_\_\_\_\_