

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

I/P ENGINE, INC.,)
v. Plaintiff,)
AOL, INC. et al.,)
Defendants.)

)

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

**PLAINTIFF I/P ENGINE, INC.'S
MOTION FOR AN AWARD OF POST-JUDGMENT ROYALTIES**

Plaintiff I/P Engine, Inc. ("I/P Engine") respectfully moves this Court to order that Defendants pay an ongoing running royalty for Defendants' continuing infringement of I/P Engine's patents-in-suit. I/P Engine requests that Defendants be required to pay such royalties from the date of entry of final judgment in this action (November 20, 2012) until Defendants either cease their infringement, or until the expiration date of the patents-in-suit (April 4, 2016).

As set forth and explained in the accompanying Memorandum of Law, determining the appropriate post-judgment running royalty involves three steps: 1) determining the appropriate royalty base, 2) determining the appropriate royalty rate, and 3) determining the frequency of the royalty payment. The evidence presented at trial establishes that Google's implementation of the infringing SmartAds technology generated a positive impact of at least 20.9% on Google's U.S. AdWords revenues, which is the appropriate royalty base. The appropriate post-judgment royalty rate should be 7% based upon changed circumstances in the post-judgment hypothetical

negotiation and in light of Defendants' ongoing willful infringement. Defendants should also provide an accounting and pay those ongoing royalties quarterly.

Dated: December 18, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December, 2012, the foregoing **PLAINTIFF I/P ENGINE, INC.'S MOTION FOR AN AWARD OF POST-JUDGMENT ROYALTIES**, was served via the Court's CM/ECF system on the following:

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