

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

_____)	
I/P ENGINE, INC.,)	
)	
	Plaintiff,)	
	v.)	Civ. Action No. 2:11-cv-512
)	
AOL, INC. et al.,)	
)	
	Defendants.)	
_____)	

**DECLARATION OF JEFFREY K. SHERWOOD
IN SUPPORT OF I/P ENGINE INC.’S MOTION FOR A NEW TRIAL ON THE
DOLLAR AMOUNT OF PAST DAMAGES**

I, Jeffrey K. Sherwood, declare as follows:

1. I am a partner with the law firm of Dickstein Shapiro LLP, 1825 Eye Street N.W., Washington, DC 20006 and am counsel for Plaintiff I/P Engine, Inc. (“I/P Engine”) in the above-captioned litigation. I have personal knowledge of the facts stated herein.

2. I proposed using one of the attached demonstratives (labeled PDX442 and PDX443) in I/P Engine’s summation. PDX442 contains the results of Dr. Becker’s damages calculations for the September 15, 2011 – September 30, 2012 damages period. PDX443 contains the results of Dr. Becker’s damages calculations for the September 15, 2011 – September 30, 2012 damages period for Google, and for the September 15, 2005– September 30, 2012 damages period for each of the other defendants. Defendants’ counsel objected. During the charge conference, the Court sustained Defendants’ objection to these demonstratives. The

Court made clear that I was prohibited from arguing for any specific dollar amount of damages for Google in summation.

3. The charge conference was held in the Court's chambers and was not transcribed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 18, 2012

By: /s/ Jeffrey K. Sherwood
Jeffrey K. Sherwood
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Counsel for Plaintiff I/P Engine, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December, 2012, the foregoing

DECLARATION OF JEFFREY K. SHERWOOD IN SUPPORT OF I/P ENGINE INC.'S

MOTION FOR A NEW TRIAL ON THE DOLLAR AMOUNT OF PAST DAMAGES, was

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

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/s/ Jeffrey K. Sherwood _____