

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 MOTION FOR JUDGMENT UNDER RULE 52(B)
AND A NEW TRIAL UNDER RULE 59**

Plaintiff I/P Engine, Inc. (“I/P Engine”) respectfully moves this Court, pursuant to Rule 52(b) of the Federal Rules of Civil Procedure, to amend its findings regarding laches and, pursuant to Rule 59 of the Federal Rules of Civil Procedure, vacate the jury’s responses to question III.C of the verdict form and order a new trial to determine the amount of damages accrued from September 15, 2005. The jury’s findings on infringement, validity, running royalty, and the 3.5% rate, should remain undisturbed. I/P Engine respectfully submits that this Court made procedural and substantive errors in making its laches determination. The errors and law supporting judgment as a matter of law under Rule 52(b) and a new trial under rule 59 are

set forth in the accompanying Memorandum of Law. For at least these reasons, this Court should reverse its findings regarding laches and grant a new trial on the amount of damages accrued from September 15, 2005.

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 MEMORANDUM IN SUPPORT OF ITS MOTION FOR JUDGMENT UNDER RULE 52(B) AND FOR NEW TRIAL UNDER RULE 59**, was served via the Court's CM/ECF system on the following:

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