

**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  
IN SUPPORT OF I/P ENGINE INC.’S MOTION FOR JUDGMENT UNDER RULE 52(B)  
AND A NEW TRIAL UNDER RULE 59**

I, Dawn Rudenko, declare as follows:

1. I am a partner with the law firm of Dickstein Shapiro LLP, 1633 Broadway, New York, NY 10019 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 attended the October 9 pretrial conference held in Norfolk, Virginia. The hearing was not transcribed. At the October 9 pretrial conference, the Court indicated that it would not submit the issue of laches to the jury, but that the Court instead would decide the issue. The Court observed that it might be possible to elicit certain laches-related evidence from witnesses in front of the jury, but that other laches-related evidence would be received outside of the presence of the jury. The Court did not indicate when it would take this evidence or when the record on the non-jury issues would be complete. The Court did not indicate that it would rule on laches before all evidence had been submitted or prior to the case being submitted to the

jury. I understood that the Court would accept laches evidence after the jury's verdict and that the Court would then rule on laches.

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

Dated: December 18, 2012

By:     /s/ Dawn Rudenko    

Dawn Rudenko

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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 DAWN RUDENKO IN SUPPORT OF I/P ENGINE INC.'S MOTION FOR JUDGMENT UNDER RULE 52(B) AND A NEW TRIAL UNDER RULE 59**, was served via the Court's CM/ECF system, on the following:

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