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

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 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/ Jeffrey K. Sherwood

Jeffrey K. Sherwood
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006
Telephone: (202) 420-2200
Facsimile: (202) 420-2201

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 JUDGMENT UNDER RULE 52(B) AND A NEW TRIAL UNDER RULE 59**, was served via the Court's CM/ECF system, on the following:

Stephen Edward Noona
Kaufman & Canoles, P.C.
150 W Main St
Suite 2100
Norfolk, VA 23510
senoona@kaufcan.com

David Bilsker
David Perlson
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
davidbilsker@quinnemanuel.com
davidperlson@quinnemanuel.com

Robert L. Burns
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Two Freedom Square
11955 Freedom Drive
Reston, VA 20190
robert.burns@finnegan.com

Cortney S. Alexander
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
3500 SunTrust Plaza
303 Peachtree Street, NE
Atlanta, GA 94111
cortney.alexander@finnegan.com

/s/ Jeffrey K. Sherwood