

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

I/P ENGINE, INC.

Plaintiff,

v.

AOL INC., *et al.*,

Defendants.

Civil Action No. 2:11-cv-512

**JOINT MOTION AND MEMORANDUM IN SUPPORT OF JOINT MOTION TO  
EXPEDITE BRIEFING ON DEFENDANTS' MOTION TO POSTPONE  
BRIEFING AND RULING ON PLAINTIFF'S MOTION FOR POST-JUDGMENT  
ROYALTIES**

The Defendants Google Inc., Target Corporation, IAC Search & Media, Inc., Gannett Co., Inc. and AOL Inc. (collectively "Defendants"), and the Plaintiff I/P Engine, Inc. ("Plaintiff") respectfully move this Court to expedite the briefing on the Defendants' Motion to Postpone Briefing and Ruling on Plaintiff's Motion for Post-Judgment Royalties, and in support thereof, state as follows:

1. Trial in this matter proceeded for four weeks before a jury with judgment in favor of the Plaintiff being entered on November 21, 2012 (Dkt. 801).
2. On December 18, 2012, the parties filed the following post-judgment motions (collectively, "Post-Judgment Motions"):

**A. By Defendants:**

- Renewed Motion for Judgment as a Matter of Law on Invalidity or New Trial (Dkt. 820);
- Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial (Dkt. 831); and
- Renewed Motion for Judgment as a Matter of Law on Damages or a New Trial (Dkt. 833);

**B. By Plaintiff:**

- Motion for New Trial on the Dollar Amount of Past Damages by I/P Engine, Inc. (Dkt. 825);
- Motion for Judgment under Rule 52(B) and a New Trial under Rule 59 by I/P Engine, Inc. (Dkt. 835);
- Motion for an Award of Post-Judgment Royalties by I/P Engine, Inc. (Dkt. 822) (“Motion for Post-Judgment Royalties”).

The parties have agreed to move for an extension of time to respond to the Post-Judgment Motions, such that Oppositions would be due on January 25, 2013, and Reply Briefs would be due on February 15, 2013.

3. On December 21, 2012, the Defendants filed their Motion to Postpone Briefing and Ruling on Plaintiff’s Motion for Post-Judgment Royalties. Unless expedited, a response to that motion will not be due until January 4, 2013 under Local Rule 7, and a reply will not be due until January 10, 2013, which would leave Defendants with little time to prepare their Opposition to Plaintiff’s Motion for Post-Judgment Royalties if necessary. To ensure sufficient time for a response while avoiding unnecessary expenditure of resources, Defendants and Plaintiff have jointly requested that the response to the Motion to Postpone Briefing and Ruling on Plaintiff’s Motion for Post-Judgment Royalties be expedited.
4. Plaintiff and Defendants jointly request that the Court enter an order requiring expediting the briefing schedule for the Motion To Postpone Briefing and Ruling on Plaintiff’s Motion for

Post-Judgment Royalties. The parties request that the Proposed Order attached as **Exhibit 1** be entered expediting the briefing as follows:

- Plaintiff to respond to the Motion To Postpone Briefing and Ruling on Plaintiff's Motion for Post-Judgment Royalties by December 31, 2012; and
- Defendants' Reply Brief be filed on or before January 3, 2013.

WHEREFORE, the parties request that this Court expedite the briefing of Defendants' Motion To Postpone Briefing and Ruling on Plaintiff's Motion for Post-Judgment Royalties, with Plaintiff's Opposition due on December 31, 2012 and Defendants' Reply Brief due on January 3, 2013.

DATED: December 21, 2012

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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