

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

DECLARATION OF STEPHEN E. NOONA IN SUPPORT OF DEFENDANTS'
MOTION TO COMPEL DEPOSITION OF DR. BECKER

I, Stephen E. Noona, declare as follows:

1. I am a member of the law firm of Kaufman & Canoles, P.C. and am counsel for Defendants in the above-captioned case. I provide this declaration upon personal knowledge and, if called upon as a witness, would testify competently as to the matters recited herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an email exchange between Emily C. O'Brien, counsel for Defendants, Margaret P. Kammerud, counsel for Defendants, and Charles Monterio Jr., counsel for Plaintiff, dated between 1/10/2013 and 1/15/2013.

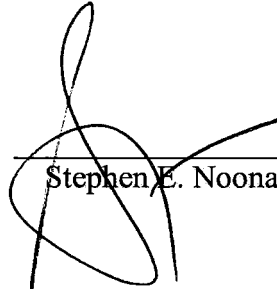
3. On January 15, 2013, I spoke via telephone with Kenneth Brothers, counsel for Plaintiff, regarding Plaintiff making its damages expert, Dr. Becker, available for deposition.

Mr. Brothers offered to make Dr. Becker available for deposition only under the following conditions: (a) the parties would provide their respective experts for deposition on agreed upon dates prior to the scheduled response dates; (b) parties would bear their own costs for the depositions and experts; and (c) the parties would send an agreed order to the Court indicating that Defendants' Motion to Postpone Briefing and Ruling on Plaintiff's Motion for Post-Judgment Royalties was moot.

4. Attached hereto as **Exhibit 2** is a true and correct copy of my email to Kenneth Brothers in response to his counter-proposal of January 15, 2013, discussed in paragraph three (3) of this Declaration.

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

Dated: January 16, 2013



Stephen E. Noona

DATED: January 16, 2013

/s/ Stephen E. Noona

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By: /s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2013, 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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