

**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

DEFENDANTS' NOTICE OF APPEAL

Defendants AOL Inc., Gannett Co., Inc. Google Inc., IAC Search & Media, Inc., and Target Corporation (“Defendants”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the final judgment regarding post-judgment royalties, which the District Court entered in the above-captioned action on January 28, 2014, (Dkt. 1088), together with all other orders giving rise to that judgment, including but not limited to the District Court's Orders of August 14, 2013 and January 22, 2014. (Dkts. 963 & 1086.)

Under 28 U.S.C. § 1292(c)(2), Defendants believe that their prior Notice of Appeal, filed on April 4, 2013 (Dkt. 914) was sufficient to appeal the District Court’s prior judgment of November 20, 2012 (Dkt. 801) and all orders giving rise to that judgment. Nonetheless, should it be determined that the District Court’s judgment of November 20, 2012 was not sufficiently “final” for appeal purposes while supplemental damages, pre-judgment interest, and post-judgment royalties remained pending, Defendants hereby renew their appeal of the November 20, 2012 judgment and all orders giving rise to that judgment.

Likewise, under 28 U.S.C. § 1292(c)(2), Defendants believe that their second prior Notice of Appeal, filed on January 10, 2014 (Dkt. 1082) was sufficient to appeal the District

Court's prior judgment regarding supplemental damages and pre-judgment interest (Dkt. 1081) and all orders giving rise to that judgment. Nonetheless, should it be determined that the District Court's judgment of January 3, 2014 was not sufficiently "final" for appeal purposes while post-judgment royalties remained pending, Defendants hereby renew their appeal of the January 3, 2014 judgment and all orders giving rise to that judgment.

Included is a payment of all required fees, \$5 filing fee required by 28 U.S.C. § 1917 and the \$500 docketing fee required by Federal Circuit Rule 52(a)(3)(A) and this Court's e-filing system, paid to this Court pursuant to Federal Rule of Appellate Procedure 3(e) and Federal Circuit Rule 52(a)(2).

DATED: February 5, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2014, 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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