



VRINGO WILL SEEK SUPREME COURT REVIEW OF FEDERAL CIRCUIT'S REVERSAL OF JUDGMENT AGAINST GOOGLE

December 15, 2014

David Boies Will Represent Vringo in Filing Petition for Writ of Certiorari

NEW YORK - December 15, 2014 - Vringo, Inc. (NASDAQ: VRNG), today announces that its wholly-owned subsidiary I/P Engine, Inc. will seek review by the U.S. Supreme Court of the U.S. Court of Appeals for the Federal Circuit's split opinion, which issued on August 15, 2014, and reversed a judgment in favor of I/P Engine against Google and certain of Google's customers in the U.S. District Court for the Eastern District of Virginia.

I/P Engine filed a petition requesting that the Federal Circuit rehear the case *en banc*. Diverse independent groups consisting of law professors, the Boston Patent Law Association, the Medical Device Manufacturers Association, i4i Limited Partnership, which was the prevailing party in a landmark Supreme Court patent case, filed *amicus curiae*, friend of the court, briefs encouraging the Federal Circuit to rehear this important case. Today, the Federal Circuit determined that it would not rehear the case *en banc*.

David Boies, Chairman of Boies Schiller & Flexner LLP, will represent I/P Engine in filing a petition for writ of certiorari at the U.S. Supreme Court. "This case presents important questions of patent law and the role of juries in patent cases that require further review. The dissenting opinion is a powerful signal that this case warrants attention," said Mr. Boies. "The Federal Circuit's conclusion that these patents aren't valid cannot be reconciled with the fact that eight different examiners at the U.S. Patent and Trademark Office, the jury that heard evidence in this case for over two weeks, the U.S. District Court judge who presided over the trial, and the dissenting judge at the Federal Circuit all concluded that the patents are valid and should be upheld," Mr. Boies continued.

"I've said for a long time that while we might not be as large or powerful as Google, my co-inventor Don Kosak and I worked hard to develop our technology. Google implemented our invention as part of its AdWords system, and has derived substantial increases in revenue from it without paying any royalties to us. I am honored to have David Boies and his firm as part of our legal team as we seek further review of the Federal Circuit panel's split decision to overturn the judge and jury, who upheld the validity of our patents, concluded that Google infringed them, and determined that Google should pay royalties on the revenue it derived from using our invention," said Ken Lang, President and Chief Technology Officer of Vringo.

Mr. Lang completed quadruple undergraduate degrees in three and a half years at Duke University in Computer Science, Mathematics, Physics, and Electrical Engineering, followed by a master's degree from Carnegie Mellon University in Computer Science. While pursuing his Ph.D. in Machine Learning at Carnegie Mellon University, at the urging of his thesis advisor, Mr. Lang founded WiseWire Corporation, which was later acquired by Lycos.

Background on District Court and Court of Appeals Proceedings

On September 15, 2011, I/P Engine initiated litigation in the United States District Court, Eastern District of Virginia, against AOL Inc., Google, Inc., IAC Search & Media, Inc., Gannett Company, Inc., and Target Corporation (collectively, the "Defendants") for infringement of claims of U.S. Patent Nos. 6,314,420 and 6,775,664, which I/P Engine acquired from Lycos, Inc.

Trial commenced on October 16, 2012, and the case was submitted to the jury on November 1, 2012.

On November 6, 2012, the jury ruled in favor of I/P Engine and against the Defendants. After upholding the validity of the patents-in-suit, and determining that the asserted claims of the patents were infringed by the defendants, the jury found that reasonable royalty damages should be based on a "running royalty," and that the running royalty rate should be 3.5%. The jury also awarded I/P Engine a total of approximately \$30.5 million. On November 20, 2012, the clerk entered the District Court's final judgment.

On January 3, 2014, the District Court ordered that I/P Engine recover an additional sum of \$17.32 million from Defendants for supplemental damages and prejudgment interest.

On January 21, 2014, the District Court ruled that Defendants' alleged design-around is "nothing more than a colorable variation of the system adjudged to infringe," and accordingly I/P Engine "is entitled to ongoing royalties as long as Defendants continue to use the modified system."

On January 28, 2014, the District Court ruled that the appropriate ongoing royalty rate for Defendants' continued infringement of the patents-in-suit that "would reasonably compensate [I/P Engine] for giving up [its] right to exclude yet allow an ongoing willful infringer to make a reasonable profit" is a rate of 6.5% of the 20.9% royalty base previously set by the District Court. The Defendants also filed a separate appeal related to these matters.

On August 15, 2014, the Court of Appeals for the Federal Circuit held that the asserted claims of the patents-in-suit are invalid for obviousness. On August 20, 2014, Vringo announced that I/P Engine would seek *en banc* review of the split panel's decision.

On October 15, 2014, I/P Engine filed a petition for rehearing *en banc*, in which it argues that the majority's opinion in this case presents important questions of law and is at odds with a series of Supreme Court and Federal Circuit decisions which do not allow appellate judges to disregard a jury's detailed findings under these circumstances. I/P Engine argues that review is particularly appropriate here, where the panel majority not only failed to adopt the proper legal standard, but explicitly rejected it.

Federal Circuit Judge Raymond Chen, who dissented from the majority's opinion, highlighted the opinion's failure "to accord sufficient deference to the jury's findings of fact," and explained that the majority's conclusion "squarely conflicts with the jury's express finding" that the prior art lacked specific elements claimed by the patents in suit. Judge Chen criticized the majority's application of its own "common sense," without deferring to the jury or trial judge: "Where a jury's findings concerning the prior art are supported by substantial evidence, and where a trial court makes its obviousness

determination based on those findings, I would exercise caution in wielding our own common sense as part of our review of the judgment." Finally, Judge Chen observed that the majority had disregarded this Court's requirement that "obviousness findings grounded in 'common sense' must contain explicit and clear reasoning providing some rational underpinning why common sense compels a finding of obviousness."

Today, the Federal Circuit denied I/P Engine's petition for rehearing of the case *en banc*.

The court dockets for the foregoing cases are publicly available on the Public Access to Court Electronic Records website, www.pacer.gov, which is operated by the Administrative Office of the U.S. Courts.

Background on United States Patent and Trademark Office Proceedings

On May 24, 2012, Google submitted a request to the USPTO for ex parte reexamination of certain claims of U.S. Patent No. 6,314,420. On September 13, 2013, the USPTO issued a certificate confirming that all of the claims in the '420 patent challenged by Google remain valid and unchanged.

On November 28, 2012, Google submitted a request to the USPTO for ex parte reexamination of certain claims of U.S. Patent No. 6,775,664. On February 8, 2013, Google filed another request to the USPTO for ex parte reexamination of certain claims of the '664 patent. On June 13, 2013, the USPTO merged the two reexamination proceedings regarding the '664 patent. On December 13, 2013, the USPTO issued a certificate confirming that all of the claims in the '664 patent challenged by Google remain valid and unchanged.

On August 19, 2013, Google submitted another request to the USPTO for ex parte reexamination of certain claims of the '420 patent. On July 31, 2014, the USPTO issued a certificate confirming that all of the claims in the '420 patent challenged by Google remain valid and unchanged.

Documents regarding USPTO proceedings are publicly available on the Patent Application Information Retrieval website, <http://portal.uspto.gov/pair/PublicPair>, which is operated by the USPTO.

About Vringo, Inc.

Vringo, Inc. is engaged in the innovation, development and monetization of intellectual property and mobile technologies. Vringo's intellectual property portfolio consists of over 600 patents and patent applications covering telecom infrastructure, internet search, and mobile technologies. The patents and patent applications have been developed internally, and acquired from third parties. For more information, visit: www.vringo.com.

Forward-Looking Statements

This press release includes forward-looking statements, which may be identified by words such as "believes," "expects," "anticipates," "estimates," "projects," "intends," "should," "seeks," "future," "continue," or the negative of such terms, or other comparable terminology. Forward-looking statements are statements that are not historical facts. Such forward-looking statements are subject to risks and uncertainties, which could cause actual results to differ materially from the forward-looking statements contained herein. Factors that could cause actual results to differ materially include, but are not limited to: our inability to license and monetize our patents, including the outcome of the litigation against online search firms and other companies; our inability to monetize and recoup our investment with respect to patent assets that we acquire; our inability to develop and introduce new products and/or develop new intellectual property; new legislation, regulations or court rulings related to enforcing patents, that could harm our business and operating results; unexpected trends in the mobile phone and telecom infrastructure industries; our inability to raise additional capital to fund our combined operations and business plan; our inability to maintain the listing of our securities on a major securities exchange; the potential lack of market acceptance of our products; potential competition from other providers and products; our inability to retain key members of our management team; the future success of Infomedia and our ability to receive value from its stock; and other risks and uncertainties and other factors discussed from time to time in our filings with the Securities and Exchange Commission ("SEC"), including our annual report on Form 10-K filed with the SEC on March 10, 2014. Vringo expressly disclaims any obligation to publicly update any forward-looking statements contained herein, whether as a result of new information, future events or otherwise, except as required by law.

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