January 28, 2016

Marathon Patent Group Announces Trial Date of May 2, 2016 in Case Against Apple

LOS ANGELES, CA -- (Marketwired) -- 01/28/16 -- ***Marathon Patent Group, Inc.*** (NASDAQ: MARA) ("Marathon"), a patent licensing company, announced a litigation update for its wholly owned subsidiary, Dynamic Advances LLC, in its patent infringement case against Apple Inc. currently pending in the Northern District of New York.

In a pre-trial conference held Wednesday, January 27, 2016, Judge David E. Peebles scheduled a two-week trial to begin on May 2, 2016 for *Rensselaer Polytechnic Institute and Dynamic Advances LLC v. Apple Inc.*, case number 1:13-cv-00633.

The suit involves Rensselaer Polytechnic Institute's ("RPI") US Patent 7,177,798 ('798 patent), entitled "Natural language interface using constrained intermediate dictionary of results." Dynamic Advances is the exclusive licensee of RPI's '798 patent.

On January 20, 2015, the Court issued its redacted public order denying all of the parties' pending motions, including Apple's motion for summary judgment and Apple's motion to exclude Plaintiffs' damages expert report. The Court's order included the following findings:

"The analytical approach, which has been endorsed by the Federal Circuit, 'attempts to place a quantitative value on benefits derived from the use of the patented technology[.]' Dkt. No. 211-3 at 39; *see also Lucent Techs., Inc.*, 580 F.3d at 1324 ("[T]he analytical method[] focuses on the infringer's projections of profit for the infringing product."). Mr. Yerman has calculated plaintiffs' damages, in the event a factfinder concludes Apple has infringed the '798 Patent, utilizing the analytical model, to be $429 million. Dkt. No. 211-3 at 42."

"The hypothetical negotiation analysis represents a more traditional method of proving damages, giving consideration to the fifteen well-established *Georgia-Pacific* economic factors, and attempts to predict the 'appropriate reasonable royalty for allegedly infringing sales or uses made of the patented inventions' based on a hypothetical negotiation between the parties for a license under the '798 Patent. Dkt. No. 211-3 at 37; *see also Lucent Techs., Inc.*, 580 F.3d at 1324 ("The second, more common approach, called the hypothetical negotiation or the 'willing licensor-willing licensee' approach, attempts to ascertain the royalty upon which the parties would have agreed had they successfully negotiated an agreement just before infringement began."). As a result of his analysis under the hypothetical negotiation approach, Mr. Yerman concludes that an appropriate damage award, in the event infringement is proven, would be between $175 and $200 million."

Both damages estimates are for the period from October 2011 through September 2014. It is expected that this number will be updated to account for Apple's alleged infringement from October 2014 to start of the trial in May 2016.

About Marathon Patent Group:

Marathon is a patent acquisition and monetization company. The Company acquires patents

from a wide-range of patent holders from individual inventors to Fortune 500 companies. Marathon's strategy of acquiring patents that cover a wide-range of subject matter allows the Company to achieve diversity within its patent asset portfolio. Marathon generates revenue with its diversified portfolio through actively managed concurrent patent rights enforcement campaigns. This approach is expected to result in a long-term, diversified revenue stream. To learn more about Marathon Patent Group, visit www.marathonpg.com.

About Skiermont Derby LLP:

Paul J. Skiermont, founding partner of Skiermont Derby LLP, is lead trial counsel for Plaintiffs RPI and Dynamic Advances in their case against Apple. Skiermont Derby LLP is a trial boutique with offices in Dallas and Los Angeles, and was recently recognized in the national legal news publication *Law360* as one of the top 10 boutique practices in the U.S. that are "on par with the biggest firms." The firm represents plaintiffs and defendants in high stakes intellectual property and commercial litigation. To learn more about Skiermont Derby LLP, visit http://skiermontderby.com.

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