

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

_____)	
I/P ENGINE, INC.,)	
)	
	Plaintiff,)	
	v.)	Civ. Action No. 2:11-cv-512
)	
AOL, INC. et al.,)	
)	
	Defendants.)	
_____)	

**PLAINTIFF I/P ENGINE’S MOTION TO COMPEL
DEFENDANT GOOGLE INC.’S CUSTODIAL DOCUMENT PRODUCTION**

Plaintiff I/P Engine, Inc. (“I/P Engine”) moves to compel Google to produce its custodial document production responsive to I/P Engine’s pending discovery requests.

More than six months ago, on November 7, 2011, I/P Engine, Inc. (“I/P Engine”) served on its initial document requests upon Defendant Google Inc. (“Google”). Those document requests were served pursuant to a stipulated agreement between the parties, whereby I/P Engine agreed to early disclosure of its infringement contentions, and Defendants agreed to engage in early document discovery. I/P Engine kept its part of the agreement. Six months later, however, Google has not produced a *single* custodial document, even though it acknowledges that it has collected those documents. I/P Engine repeatedly has been requesting Google for these documents, but without success. On April 9, 2012, Google for the first time identified a target date for the production of those documents: June 15, 2012 – more than eight months after

service of I/P Engine's document requests, and only a month before I/P Engine's expert reports are due.

For the reasons set forth in the accompanying Memorandum of Law, I/P Engine asks this Court to compel Google to produce all relevant, non-privileged documents relating to I/P Engine's pending document requests including its custodial documents by no later than April 30, 2012.

Dated: April 11, 2012

By: /s/ Jeffrey K. Sherwood
Donald C. Schultz (Virginia Bar No. 30531)
W. Ryan Snow (Virginia Bar No. 47423)
CRENSHAW, WARE & MARTIN PLC
150 West Main Street
Norfolk, VA 23510
Telephone: (757) 623-3000
Facsimile: (757) 623-5735

Jeffrey K. Sherwood (Virginia Bar No. 19222)
Frank C. Cimino, Jr.
Kenneth W. Brothers
DeAnna Allen
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006
Telephone: (202) 420-2200
Facsimile: (202) 420-2201

Counsel for Plaintiff I/P Engine, Inc.

CERTIFICATE OF GOOD FAITH

In accordance with Local Rule 37(E), I certify that counsel conferred in good faith to resolve this dispute prior to the filing of the present Motion. Counsel's meet-and-confer efforts are set forth in the Factual Background section of I/P Engine's accompanying memorandum, and included multiple correspondence and telephonic meet-and-confers.

/s/Kenneth W. Brothers
Kenneth W. Brothers

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of April, 2012, the foregoing **PLAINTIFF I/P ENGINE'S MOTION TO COMPEL DEFENDANT GOOGLE INC.'S CUSTODIAL DOCUMENT PRODUCTION**, was served via the Court's CM/ECF system, on the following:

Stephen Edward Noona
Kaufman & Canoles, P.C.
150 W Main St
Suite 2100
Norfolk, VA 23510
senoona@kaufcan.com

David Bilsker
David Perlson
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
davidbilsker@quinnemanuel.com
davidperlson@quinnemanuel.com

Robert L. Burns
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Two Freedom Square
11955 Freedom Drive
Reston, VA 20190
robert.burns@finnegan.com

Cortney S. Alexander
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
3500 SunTrust Plaza
303 Peachtree Street, NE
Atlanta, GA 94111
cortney.alexander@finnegan.com

/s/ Jeffrey K. Sherwood _____