

**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.)	
)	

**CONSENT MOTION AND MEMORANDUM IN SUPPORT OF CONSENT MOTION
TO AMEND THE SCHEDULING ORDER WITH RESPECT TO EXPERT
DISCLOSURE DATES**

Plaintiff I/P Engine, Inc. (“Plaintiff”) moves this Court for entry of an order amending three discovery dates in this case. The modification of these deadlines will not delay the parties’ readiness for trial or the trial date. Plaintiff has taken care to avoid any disruption to any deadlines for submission of materials to, or appearances before, this Court. The dates at issue affect only the parties’ discovery exchanges rather than deadlines that impact obligations to this Court. Attached as **Exhibit 1** is a Proposed Order for this Court’s consideration. The majority of the deadlines in this Court’s February 15, 2012 Rule 16(b) Scheduling Order (D.I. 90) will not be altered under this proposal.

Specifically, Plaintiff requests the following amendments:

1. Plaintiff requests that this Court extend the service of expert disclosures by the party with the burden of proof from July 18, 2012 to July 25, 2012.
2. Plaintiff requests that this Court extend the service of expert disclosures intended solely to respond to, contradict or rebut evidence on the same subject matter disclosed by another party under Rule 26(a)(2)(B) or the Pretrial Order from August 20, 2012 to August 29, 2012.

3. Plaintiff requests that this Court eliminate the service of rebuttal disclosures by the party bearing the initial burden of proof (currently scheduled for September 4, 2012).

4. As grounds for this request, Plaintiff states that it has conferred with Defendants and the parties agree that the proposed extensions will streamline expert discovery.

5. As noted above, Plaintiff believes that entry of the proposed order will not interfere with trial preparation, yet will allow for flexibility in scheduling discovery and developing the case before trial. Defendants do not object to the requested changes.

For the foregoing reasons, Plaintiff requests that this Court enter the proposed order to modify three discovery deadlines.

Dated: July 16, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2012, 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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