

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

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I/P ENGINE, INC.,		)	
		)	
	Plaintiff,	)	
	v.	)	Civ. Action No. 2:11-cv-512
		)	
AOL, INC. et al.,		)	
		)	
	Defendants.	)	
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**PLAINTIFF I/P ENGINE, INC.’S MOTION FOR DISCOVERY SANCTIONS  
REGARDING UNTIMELY DISCLOSED PRIOR ART**

Pursuant to Rule 37(c)(1), Plaintiff I/P Engine, Inc. requests that this Court remedy the untimely and highly prejudicial discovery tactics employed by Defendants Google Inc., AOL Inc., IAC Search & Media, Inc., Gannett Company, Inc., and Target Corporation (collectively “Defendants”), and strike three newly-asserted prior art references, along with the accompanying invalidity claim charts and related expert report.

For the reasons set forth in the accompanying Memorandum of Law, striking these untimely references is the only meaningful remedy for Defendants’ violation of the discovery

rules, because any other remedy (such as an extension of time) only rewards Defendants for their obstructive conduct.

Dated: August 3, 2012

By: /s/ Jeffrey K. Sherwood  
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Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF GOOD FAITH**

In accordance with Local Rule 37(E), I certify that counsel conferred telephonically in good faith to resolve this dispute prior to the filing of the present Motion.

/s/ Charles J. Monterio, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of August, 2012, the foregoing **PLAINTIFF**  
**I/P ENGINE, INC.'S MOTION FOR DISCOVERY SANCTIONS REGARDING**  
**UNTIMELY DISCLOSED PRIOR ART**, was served via the Court's CM/ECF system, on the  
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/s/ Jeffrey K. Sherwood \_\_\_\_\_