

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 THIRD MOTION *IN LIMINE***  
**TO EXCLUDE IMPROPER PRIOR ART EVIDENCE**

Plaintiff I/P Engine, Inc. (“I/P Engine”) moves to exclude the testimony of Messrs. Culliss, Ortega, and Rose, who are inventors of three different prior art patents that the Defendants plans to use to support their invalidity case.

In its Rule 26(b)(3) Pretrial Disclosures, Defendants identified Messrs. Culliss and Ortega as “will call” witnesses, and Mr. Rose as a “may call” witness. Google previously identified these individuals as “prior art witnesses,” but has not otherwise provided any disclosure as to the subject matter of their testimony.

As explained in the attached brief, any testimony from Messrs. Culliss, Ortega, and Rose would violate one or more of Rules 402, 403, or 701. Their testimony should therefore be precluded.

Dated: September 21, 2012

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of September, 2012, the foregoing **PLAINTIFF I/P ENGINE'S THIRD MOTION *IN LIMINE* TO EXCLUDE IMPROPER PRIOR ART EVIDENCE**, was served via the Court's CM/ECF system, on the following:

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