

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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**[PROPOSED] ORDER GRANTING PLAINTIFF I/P ENGINE, INC.’S
DAUBERT MOTION, AND FOURTH MOTION *IN LIMINE*, TO
EXCLUDE LYLE UNGAR’S NEW THEORY OF INVALIDITY AND
OPINIONS REGARDING CLAIM CONSTRUCTION**

This Court, having considered Plaintiff I/P Engine, Inc.’s *Daubert* Motion, and Fourth Motion *in Limine*, to Exclude Lyle Ungar’s New Theory of Invalidity and Opinions Regarding Claim Construction, hereby ORDERS that the motion is GRANTED as follows:

Defendants are hereby precluded from offering any evidence of, making reference to, or making suggestion of Dr. Ungar’s late disclosed new invalidity theory based on Culliss or offering any arguments, opinions or evidence at trial by Dr. Ungar (or any other witness) regarding any claim constructions proposed during the Markman process that were rejected by this Court.

So Ordered:

Dated: September __, 2012

United States District Court
Eastern District of Virginia