

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

I/P ENGINE, INC.

Plaintiff,

v.

AOL INC., *et al.*,

Defendants.

Civil Action No. 2:11-cv-512

**MOTION AND MEMORANDUM IN SUPPORT OF MOTION TO EXPEDITE
BRIEFING ON DEFENDANTS' MOTION TO DISMISS**

The Defendants Google, Inc., Target Corporation, IAC Search & Media, Inc., Gannet Co., Inc. and AOL Inc. (collectively "Defendants"), respectfully move this Court to expedite the briefing on the Defendants' Motion To Dismiss (Dkt. No. 293), and in support thereof, state as follows:

1. Trial in this matter before a jury is scheduled to begin on October 16, 2012 and the Final Pretrial Conference is scheduled for October 5, 2012.
2. The Defendants' Motion to Dismiss (Dkt. No. 293), filed September 21, 2102, seeks to dismiss several defendants because the Plaintiff has failed to establish subject matter jurisdiction over those defendants, a prerequisite for proceeding to trial.
3. The Defendants' Motion to Dismiss presently will not be fully briefed until after the Final Pretrial Conference. Because the resolution of this matter will materially impact trial, the Defendants' Motion to Dismiss needs to be briefed in an expeditious manner to insure that issue is completed prior to the Final Pretrial and resolved prior to trial.

4. The parties have agreed to and this Court has ordered a more expeditious briefing schedule for the parties' respective Motions in Limine and Daubert Motions (Dkt. No. 290) to accomplish this same goal. In addition, for this same reason, this Court has expedited several discovery sanctions motions that were filed on the same day as Defendants' Motion to Dismiss (Dkt. No. 291).
5. Defendants have requested that the Plaintiff agree to fully brief these issues by October 4, 2012, with its Opposition due on October 1, 2012, and Defendants' Reply Brief due on October 4, 2012. Plaintiff has refused.

WHEREFORE, Defendants request that this Court expedite the briefing of Defendants' Motion To Dismiss (Dkt. No. 293) to require the parties to fully brief the motion by October 4, 2012, with Plaintiff's Opposition due on October 1, 2012, and Defendants' Reply Brief due on October 4, 2012.

DATED: September 25, 2012

/s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 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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