

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 STRIKE DEPOSITION  
DESIGNATIONS**

The Defendants Google Inc., Target Corporation, IAC Search & Media, Inc., Gannett Co., Inc. and AOL Inc. (collectively "Defendants"), respectfully move this Court to expedite the briefing on the Defendants' Motion To Strike Deposition Designations (Dkt. No. 664), 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 9, 2012.
2. The Defendants' Motion to Strike seeks to strike the deposition designations made by the Plaintiff as part of the Final Pretrial Order; as such the issue is ripe for the Final Pretrial Conference on October 9, 2012.
3. The Defendants' Motion to Strike 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 Strike 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. 291) to accomplish this same goal. In addition, for this same reason, this Court has expedited several discovery sanctions.
5. Defendants request that the Court order Plaintiff to respond to the Motion to Strike by Monday, October 8, 2012 and Defendants' Reply Brief be filed on or before October 9, 2012, before the Final Pretrial Conference. Defendants have consulted with Plaintiff who does not agree to the request.

WHEREFORE, Defendants request that this Court expedite the briefing of Defendants' Motion To Strike (Dkt. No. 664) to require the parties to fully brief the motion by October 4, 2012, with Plaintiff's Opposition due on October 8, 2012, and Defendants' Reply Brief due on October 9, 2102, before the Final Pretrial Conference.

DATED: October 5, 2012

/s/ Stephen E. Noona

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 5, 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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