

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

**CONSENT MOTION AND MEMORANDUM IN SUPPORT OF CONSENT MOTION
FOR EXPEDITED BRIEFING OF DEFENDANTS' EMERGENCY MOTION FOR
SANCTIONS AND TO STRIKE SUPPLEMENTAL EXPERT REPORT IN VIOLATION
OF THE COURT'S OCTOBER 9 ORDER**

Defendants Google Inc., Target Corporation, IAC Search & Media, Inc., Gannet Co., Inc. and AOL Inc. (collectively "Defendants"), by counsel, move this Court for entry of an agreed order expediting the briefing of the Defendants Emergency Motion for Sanctions and to Strike the Supplemental Expert Report in Violation of the Court's October 9 Order. In support of this consent motion, defendants state as follows:

1. Trial in this matter begins on Tuesday, October 16, 2012. On October 9, 2012, this Court allowed the Plaintiff to supplement an expert report of one of its experts on a specific issue. As a result, Plaintiff served a supplemental expert report but Defendants contend that the report supplements on issues beyond the authority granted by the Court.
2. On October 14, 2012, the Defendants filed their Emergency Motion for Sanctions and to Strike the Supplemental Expert Report in Violation of the Court's October 9 Order and sought the agreement of the Plaintiff to expedite briefing on the issue so that the Court may rule in advance of the issue arising at trial this week. The Plaintiff has agreed and the parties have

attached a Proposed Agreed Order as Exhibit 1 with an expedited briefing schedule for consideration.

WHEREFORE, the defendants request that this Court enter the Proposed Agreed Order attached as Exhibit 1 to expedite the briefing on defendants' Emergency Motion for Sanctions and to Strike the Supplemental Expert Report in Violation of the Court's October 9 Order.

DATED: October 14, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 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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