

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

<hr/>)	
I/P ENGINE, INC.,)	
)	
	Plaintiff,)	
	v.)	Civil Action No. 2:11-cv-512
)	
AOL, INC. et al.,)	
)	
	Defendants.)	
<hr/>)	

[PROPOSED]
ORDER GRANTING PLAINTIFF I/P ENGINE’S MOTION
FOR DEFENDANTS TO SHOW CAUSE UNDER RULE 37
FOR NONCOMPLIANCE WITH AUGUST 13, 2013 ORDER

THIS MATTER COMES to the Court on Plaintiff I/P Engine, Inc.’s Motion to Show Cause. Upon consideration thereof, and for good cause shown, it is hereby ORDERED that:

1. This Court finds the alleged changes to AdWords are not colorably different than the adjudged infringing systems; or
2. This Court orders Defendants to produce all relevant custodial documents, in native format, within 3 days and that I/P Engine shall have an additional 10 days to comply with each deadline in this Court’s August 13, 2013 order, while Defendants shall have no such extension of time;
3. This Court orders one deposition of a Google witness in addition to the witnesses provided in this Court’s August 13, 2013 Order. Google shall also produce a person knowledgeable about the existence and location of the documents described in the August 13 Order upon 3 days notice of such deposition by I/P Engine;

4. This Court orders that I/P Engine shall have an additional 7 hours to depose the original three Google witnesses;
5. This Court orders that the produced source code be placed on a single, non-networked computer that is password protected and maintained in a secure, locked area in accordance with the Protective Order in the D.C. offices of counsel for I/P Engine;
and
6. This Court awards I/P Engine all fees and costs associated with this motion including I/P Engine's fees and costs associated with conferring with Google regarding this issue.

ENTERED this _____ day of _____ 2013:

United States District Court Judge

WE ASK FOR THIS:

By: /s/ Jeffrey K. Sherwood
Donald C. Schultz (Virginia Bar No. 30531)
W. Ryan Snow (Virginia Bar No. 47423)
CRENSHAW, WARE & MARTIN PLC
150 West Main Street
Norfolk, VA 23510
Telephone: (757) 623-3000
Facsimile: (757) 623-5735

Jeffrey K. Sherwood (Virginia Bar No. 19222)
Frank C. Cimino, Jr.
Kenneth W. Brothers
Charles J. Monterio, Jr.
Jonathan Falkler
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006
Telephone: (202) 420-2200
Facsimile: (202) 420-2201

Dawn Rudenko Albert
DICKSTEIN SHAPIRO LLP
1633 Broadway
New York, NY 10019
Telephone: (212) 277-6500
Facsimile: (212) 277-6501

Counsel for Plaintiff I/P Engine, Inc.

SEEN AND _____:

Stephen E. Noona, VSB No. 25367
KAUFMAN & CANOLES, P.C.
150 W. Main Street, Suite 2100
Norfolk, VA 23510

David Bilsker
David Perlson
QUINN EMANUEL URQUHART &
SULLIVAN LLP
50 California Street, 22nd Floor
San Francisco, CA 94111

Robert L. Burns
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
Two Freedom Square
11955 Freedom Drive Reston, VA 20190

Cortney S. Alexander
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
3500 SunTrust Plaza
303 Peachtree Street, NE Atlanta, GA 94111
*Counsel for Defendants AOL, Inc., Google, Inc.,
IAC Search & Media, Inc., Gannett Company, Inc.
and Target Corporation*