

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

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

**JOINT MOTION AND MEMORANDUM IN SUPPORT OF  
JOINT MOTION TO MODIFY SCHEDULING ORDER**

Defendants AOL Inc., Google Inc., IAC Search & Media, Inc., Gannett Company, Inc., and Target Corporation (collectively, the “Defendants”), and Plaintiff, I/P Engine, Inc. (“I/P Engine”), by counsel, for their Joint Motion to Modify the Scheduling Order in this matter, state as follows:

1. The parties hereby request modifying the Rule 16(b) Scheduling Order in order to set deadlines for the filing and briefing of certain pretrial motions.

2. Except as provided later in this motion, the parties propose the following deadlines for pretrial motions and briefing:

- The parties shall file any Daubert Motion or Motion in Limine (except as such motion(s) relates to Lyle Ungar, Ph.D. (“Dr. Ungar”) on or before **Friday, September 21, 2012;**
- The parties shall file any responsive briefs opposing any Daubert Motion or Motion in Limine on or before **Thursday, September 27, 2012;**
- The parties shall file any reply briefs in support of a party's Daubert Motions on or before **Monday, October 1, 2012,** and no reply briefs shall be filed for Motions in Limine;
- The parties will advise the Court of any agreements regarding Motions in Limine on **October 4, 2012.**

3. Plaintiff may file any Daubert challenge to Dr. Ungar, or Motion in Limine directed to Dr. Ungar based solely upon his report and/or testimony from his deposition as follows:

- any Daubert Motion or Motion in Limine relating to Dr. Ungar must be filed on or before **Monday, September 24, 2012;**
- Defendants shall file any responsive briefs opposing such Daubert Motion or Motion in Limine on or before **Monday October 1, 2012;**
- Plaintiff shall serve and file any reply brief in support of such Daubert Motion on or before **Wednesday, October 3, 2012,** and no reply brief shall be filed for any Motion in Limine.

3. Modification of the Scheduling Order as proposed in this motion will streamline the pretrial process and not require adjustment of other dates set forth in the Scheduling Order, including, without limitation, the trial date.

WHEREFORE, the Defendants and I/P Engine request that the Court modify the Rule 16(b) Scheduling Order in accordance with the proposed Agreed Order attached as **Exhibit 1**.

DATED: September 20, 2012

/s/ Stephen E. Noona

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 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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