

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

I/P ENGINE, INC.,
Plaintiff,
v.
AOL, INC., *et al.*,
Defendants.

Case No.: 2:11-cv-512

ORDER

On October 9, 2012, the Court heard oral argument on the Plaintiff's Second Motion for Discovery Sanctions Regarding Untimely Discovery Responses, ECF 277, and its Third Motion for Discovery Sanctions Regarding Untimely Discovery Responses, ECF 282. Jeffrey K. Sherwood, Esq., arguing the Second Motion, and Frank C. Cimino, Jr., arguing the Third Motion, represented the Plaintiff, and David L. Bilsker, Esq., arguing the Second Motion, and David A. Perlson, Esq., arguing the Third Motion, represented the Defendants. The Official Court Reporter was Sharon Borden.

After reviewing the parties' briefs, hearing argument, and for the reasons stated on the record, the Court DENIES the Plaintiff's Third Motion and GRANTS in part and DENIES in part the Plaintiff's Second Motion.

Specifically, as to the Plaintiff's Second Motion, the Court ORDERS the Defendants to produce to the Plaintiff within two days of entry of this Order data that has not been produced as to Google, Inc.'s, revenues for its properties based in the United States and AUTHORIZES the

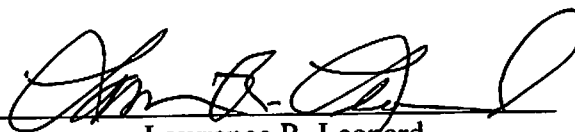
Plaintiff to supplement the report of its damages expert, Dr. Stephen L. Becker, within two days thereafter. Furthermore, the Defendants may not cross-examine Dr. Becker on the omission in his initial report of Google, Inc.'s, revenues for its properties based in the United States.

Although the Court DENIES the Plaintiff's Second Motion as to certain e-mails and information provided therein produced by the Defendants as Bates Nos. G-IPE-0888897, G-IPE-0888898-99, G-IPE-0888900, and G-IPE-888901-02, the Plaintiff is AUTHORIZED to supplement Dr. Becker's report to include these documents by Friday, October 12, 2012.

Finally, the Court DENIES the Plaintiff's Second Motion as to the Defendants' non-infringing alternatives contentions but AUTHORIZES the Plaintiff to supplement the report of its infringement expert, Dr. Ophir Frieder, to include these contentions by Friday, October 12, 2012.

The Clerk is DIRECTED to mail a copy of this Order to all counsel of record.

IT IS SO ORDERED.


Lawrence R. Leonard
United States Magistrate Judge

Norfolk, Virginia
October 9, 2012