

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

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

**PLAINTIFF I/P ENGINE’S OPPOSITION TO  
DEFENDANTS’ MOTION TO EXPEDITE BRIEFING**

Defendants request to expedite the briefing on Defendants’ Renewed Motion to Compel Deposition of Dr. Becker and for Enlargement of Time to Oppose Plaintiff’s Motion for Post-Judgment Royalties should be denied. Plaintiff’s Motion for Post Judgment Damages was filed almost four months ago. Any timing issues relating to the current motion schedule are of Defendants’ own making – at all times, I/P Engine acted diligently and in good faith regarding Defendants’ request for an extension.

I/P Engine filed its Motion for Post Judgment Damages on December 18, 2012. On April 3, 2013, the Court reset the briefing schedule for Defendants’ opposition to April 18, and I/P Engine’s reply to April 25. After the close of business on April 8, Defendants demanded that Dr. Becker be provided for deposition “at least 5 days before [their] opposition is due” – in other words, in the next three days.<sup>1</sup> Defendants did not request an extension of the briefing schedule at that time. At a meet and confer on April 9, Defendants did not pursue their request to depose

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<sup>1</sup> (See Ex. 1) I/P Engine has consistently opposed since January the further deposition of Dr. Becker.

Dr. Becker. Instead, during that meet and confer, Defendants were preoccupied with their suggestion that because Google might attempt to implement an alleged design around at some future date, all briefing should be postponed. Defendants made no proposal at that time, but said that they would send a proposed schedule sometime later. (Ex. 2)

It was not until late Friday afternoon, that Defendants sent their proposal. (Ex. 3) Upon receipt, I/P Engine immediately asked for clarification regarding the proposal. (Ex. 4) The parties then discussed the issue by phone the morning of Monday, April 15, 2012 (approximately 11:51 AM (ET)/8:51 AM (PT)). It was not until this conversation that Defendants clarified their request. I/P Engine did not respond to, much less accept, Defendants' request during that conversation. After considering Defendants' request, I/P Engine advised Defendants at 2:40 PM (ET)/11:40 AM (PT) that I/P Engine would not agree to a further delay of the briefing schedule. (Ex. 5)

Dated: April 16, 2013

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 16, 2013, the foregoing **PLAINTIFF I/P ENGINE'S**  
**OPPOSITION TO DEFENDANTS' MOTION TO EXPEDITE BRIEFING**, was served via  
the Court's CM/ECF system on the following:

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