

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

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

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**PLAINTIFF I/P ENGINE’S MOTION AND SUPPORTING MEMORANDUM TO  
SHORTEN DEFENDANTS’ TIME TO RESPOND TO I/P ENGINE’S MOTION FOR  
DEFENDANTS TO SHOW CAUSE UNDER RULE 37 FOR  
NONCOMPLIANCE WITH AUGUST 13, 2013 ORDER**

Plaintiff I/P Engine, Inc. (“I/P Engine”) moves pursuant to Local Rule 7(F)(1) and offers this memorandum in support of its motion to shorten Defendants’ time to respond to I/P Engine Inc.’s Motion for Defendants To Show Cause Under Rule 37 For Noncompliance with August 13, 2013 Order (“Motion to Show Cause”). I/P Engine sets forth its grounds as follows.

On August 13, 2013, this Court ordered Defendants to produce any documents relevant for determining whether “New AdWords” is no more than a colorable variation of the adjudicated infringing system. As I/P Engine’s Motion to Show Cause recites, the Defendants did not comply fully with this order by producing all relevant documents. I/P Engine’s and Defendants’ counsel conducted a meet and confer on August 27, 2013. The Defendants have still not fully complied with this Court’s order. Each day that the Defendants fail to produce the documents ordered by this Court, I/P Engine suffers prejudice. As a consequence, I/P Engine has filed the Motion to Show Cause to alleviate this prejudice.

Local Rule 7(F)(1) provides that a party has eleven (11) days to respond to a motion (which is increased by three (3) days by service by electronic means), “unless otherwise directed

by the Court.” Good cause exists for this Court to direct a shorter time.

Because I/P Engine must obtain the information the Court ordered to be produced and conduct depositions in sufficient time to permit the completion of expert witness reports by September 25, 2013, if the Motion to Show Cause is granted, the normal response time of 11 days and the imposition of additional time for compliance with the Court’s order, will significantly prejudice I/P Engine. Because of Defendants’ failure to comply with the Court’s order, there is not enough time for I/P Engine to prepare its expert reports.

In an effort to expedite resolution of this issue, I/P Engine respectfully requests this Court to require Defendants to respond to I/P Engine’s Motion to Show Cause on or before September 4, 2013. Further, I/P Engine will waive its right to reply to Defendants’ response and requests an oral hearing before this Court on the Motion to Show Cause on September 5 or 6 or at another time convenient for this Court.

Dated: August 29, 2013

By: /s/ Jeffrey K. Sherwood  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of August 2013, the foregoing **PLAINTIFF I/P ENGINE'S MOTION AND SUPPORTING MEMORANDUM TO SHORTEN DEFENDANTS' TIME TO RESPOND TO I/P ENGINE'S MOTION FOR DEFENDANTS TO SHOW CAUSE UNDER RULE 37 FOR NONCOMPLIANCE WITH AUGUST 13, 2013 ORDER**, was served via the Court's CM/ECF system, on the following:

(and via hand delivery to:)

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/s/ Jeffrey K. Sherwood