

# Exhibit 1

**EXHIBIT 1**

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

I/P ENGINE, INC.

Plaintiff,

v.

AOL, INC., *et al.*,

Defendants.

Civil Action No. 2:11-cv-512

**[PROPOSED] AGREED ORDER**

Before the Court is Defendants Google, Inc. and IAC Search & Media, Inc. (collectively, “Defendants”) Motion to Seal (“Defendants’ Motion to Seal”) Portions of Defendants’ Brief in Support of Their Motion to Compel Plaintiff to Supplement its Infringement Contentions (“Portions of Defendants’ Brief”) and Exhibits K, L, M and N to the Declaration of Emily C. O’Brien in Support of Defendants’ Brief in Support of Their Motion to Compel Plaintiff to Supplement its Infringement Contentions (“Certain Exhibits to O’Brien Declaration”). After considering the Motion to Seal, Order and related filings, the Court is of the opinion that the Motion to Seal should be granted. It is therefore ORDERED as follows:

1. Defendants have asked to file under seal Portions of Defendants’ Brief and Certain Exhibits to O’Brien Declaration as set forth in their motion.

2. There are three requirements for sealing court filings: (1) public notice with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See, e.g., Flexible*

*Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcroft v. Conoco, Inc.*, 218 F.3d 282, 288 (4<sup>th</sup> Cir. 2000)). This Court finds that Portions of Defendants' Brief and Certain Exhibits to O'Brien Declaration may contain data that is confidential under the Protective Order entered in this matter on January 23, 2012; that public notice has been given, that no objections have been filed; that the public's interest in access is outweighed by the interests in preserving such confidentiality; and that there are no alternatives that appropriately serve these interests.

3. For the sake of consistency with practices governing the case as a whole, Portions of Defendants' Brief and Certain Exhibits to O'Brien Declaration shall remain sealed and be treated in accordance with the terms and conditions of the Protective Order.

Accordingly, it is ORDERED that Defendants' Motion to Seal is granted and Defendants are permitted to file under seal Portions of Defendants' Brief and Certain Exhibits to O'Brien Declaration. The Court shall retain sealed materials until forty-five (45) days after entry of a final order. If the case is not appealed, any sealed materials should then be returned to counsel for the filing party.

Dated: March \_\_\_\_, 2012

Entered: \_\_\_\_/\_\_\_\_/\_\_\_\_

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United States District Court  
Eastern District of Virginia

**WE ASK FOR THIS:**

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**SEEN AND AGREED:**

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