

**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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**NOTICE OF MOTION TO SEAL I/P ENGINE'S SUPPLEMENTAL MEMORANDUM  
SETTING FORTH ADDITIONAL NEW FACTS JUSTIFYING ITS REQUEST FOR  
DEFAULT JUDGMENT IN I/P ENGINE'S MOTION FOR DEFENDANTS TO SHOW  
CAUSE UNDER RULE 37 FOR NONCOMPLIANCE WITH THE AUGUST 13, 2013  
ORDER AND THE DECLARATION OF CHARLES J. MONTERIO, JR. IN SUPPORT  
OF I/P ENGINE'S SUPPLEMENTAL MEMORANDUM OF ADDITIONAL FACTS**

PLEASE TAKE NOTICE THAT Plaintiff I/P Engine, Inc. ("I/P Engine"), pursuant to Rule 5 of the Local Rules of Practice for the U.S. District Court for the Eastern District of Virginia, have moved the court for leave to file under seal its Supplemental Memorandum Setting Forth Additional New Facts Justifying Its Request For Default Judgment In I/P Engine's Motion For Defendants To Show Cause Under Rule 37 For Noncompliance with the August 13, 2013 Order and the Declaration of Charles J. Monterio, Jr. in Support of I/P Engine's Supplemental Memorandum of Additional Facts (collectively, "Supplemental Memorandum").

Grounds and authorities for this Motion are set forth in I/P Engine's Memorandum in Support of Motion to Seal. The afore-mentioned contains information marked as confidential by Defendants and, under the Protective Order (D.I. No. 85), should be filed under seal. The

information contained in this Supplemental Memorandum contains Google's proprietary and confidential information.

Before this Court may seal Court documents, it must (1) provide public notice with an opportunity to object; (2) consider less drastic alternatives; and (3) state specific findings in support of a decision to seal and reject 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 (4th Cir. 2000)).

In compliance with Local Rule 5 of the Rules of this Court, the Court posts the following notice to the public: "This serves as public notice that I/P Engine has moved to file under seal its Supplemental Memorandum. Objections to this Motion should be filed in the Civil Section of the Clerk's Office. The Notice Of Motion To Seal I/P Engine, Inc.'s Supplemental Memorandum will be posted for a minimum of forty-eight (48) hours."

Dated: October 31, 2013

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 31st day of October, 2013, the foregoing was served via the Court's CM/ECF system, on the following:

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/s/ Jeffrey K. Sherwood