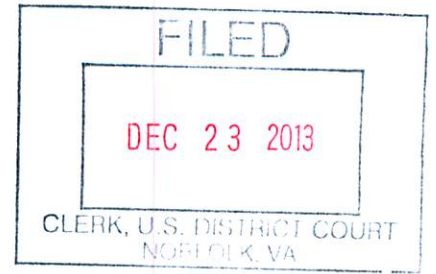


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



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

AGREED ORDER

Before the Court is Plaintiff I/P Engine, Inc.’s (“I/P Engine”) Motion to 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”). 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. Supplemental Memorandum.
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 (4th Cir. 2000)). This Court finds that I/P Engine's Supplemental Memorandum 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, I/P Engine's Supplemental Memorandum shall remain sealed and be treated in accordance with the terms and conditions of the Protective Order.

Accordingly, it is ORDERED that Plaintiff's Motion to Seal is granted and I/P Engine is permitted to file under seal its Supplemental Memorandum. 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: Jan 23, 2013

Entered: 12/23/13
Van Pro Nunc 10/31/13



Raymond A. Jackson
United States District Court
Eastern District of Virginia