

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.	)	
_____		)	

**MEMORANDUM IN SUPPORT OF MOTION TO SEAL EXHIBITS 15, 16, 17, 18, AND 21 OF I/P ENGINE’S MEMORANDUM IN SUPPORT OF ITS MOTION TO COMPEL DEFENDANT GOOGLE, INC.’S CUSTODIAL DOCUMENT PRODUCTION**

In support of its Motion to Seal pursuant to Local Rule 5, Plaintiff I/P Engine, Inc. (“I/P Engine”) states the following:

1. I/P Engine moves the Court for leave to file under seal exhibits 15, 16, 17, 18, and 21 to its Memorandum in Support of its Motion to Compel Defendant Google Inc.’s Custodial Document Production. Exhibits 15, 16, 17, 18, and 21 contain information that is marked as confidential by Defendants under the Protective Order entered in this matter on January 23, 2012 (D.I. No. 85) (“Protective Order”).

2. There are three requirements for sealing court findings: (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)). Exhibits 15, 16,

17, 18, and 21 contain information that is marked by Defendants as confidential. An in camera copy of exhibits 15, 16, 17, 18, and 21 is being provided to the Court. In light of Defendant's representation that this is confidential material and the Protective Order, there appears to be no alternative that appropriately serves Defendants' confidentiality concerns.

3. The information contained in these exhibits contain Google's proprietary and confidential information.

4. For the sake of consistency with practices governing the case as a whole, I/P Engine believes exhibits 15, 16, 17, 18, and 21 should remain sealed and be treated in accordance with the terms and conditions of the Protective Order.

5. Accordingly, and in satisfaction of the requirements of Local Rule 5, I/P Engine respectfully asks the Court to enter the Proposed Agreed Order sealing exhibits 15, 16, 17, 18, and 21 to its Memorandum in Support of its Motion to Compel Defendant Google Inc.'s Custodial Document Production.

Dated: April 11, 2012

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of April, 2012, the foregoing **MEMORANDUM IN SUPPORT OF MOTION TO SEAL EXHIBITS 15, 16, 17, 18, AND 21 OF I/P ENGINE'S MEMORANDUM IN SUPPORT OF ITS MOTION TO COMPEL DEFENDANT GOOGLE, INC.'S CUSTODIAL DOCUMENT PRODUCTION**, was served via the Court's CM/ECF system, on the following:

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/s/ Jeffrey K. Sherwood

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