

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 ORDER

Before the Court is the Motion to Seal filed by Google Inc. (“Google’s Motion to Seal”) (1) Portions of Google Inc.’s Opposition to Plaintiff’s Motion to Compel Production of Custodial Documents (“Portions of Google’s Opposition”); (2) Portions of the Declaration of Kristin Zmrhal in Support of Google Inc.’s Opposition to Plaintiff’s Motion to Compel Production of Custodial Documents (“Portions of the Zmrhal Declaration”); and (3) Exhibits H, O, Q, R, S and U to the Declaration of Emily C. O’Brien in Support of Google Inc.’s Opposition to Plaintiff’s Motion to Compel Production of Custodial Documents (“Certain Exhibits to the 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 Google’s Opposition, Portions of the Zmrhal Declaration and Certain Exhibits to the 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 (4th Cir. 2000)). This Court finds that Portions of Google’s Opposition, Portions of the Zmrhal Declaration and Certain Exhibits to the 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 Google’s Opposition, Portions of the Zmrhal Declaration and Certain Exhibits to the 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 Google’s Motion to Seal is granted and Google is permitted to file under seal Portions of Google’s Opposition, Portions of the Zmrhal Declaration and Certain Exhibits to the 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: April ____, 2012

Entered: ____/____/____

United States District Court
Eastern District of Virginia

WE ASK FOR THIS:

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