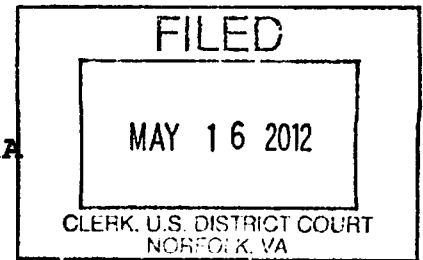


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



I/P ENGINE, INC.,

Plaintiff,

v.

AOL, INC., et al.,

Defendants.

Case No.: 2:11cv512

ORDER

Before the Court is a Motion to Seal Portions of Defendants' Brief in Support of Their Motion to Compel Plaintiff to Supplement Its Infringement Contentions 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 (ECF No. 101) ("Motion to Seal"), filed on March 27, 2012, by defendants Google Inc. and IAC Search & Media, Inc. On May 3, 2012, the Court entered an Order to Show Cause (ECF No. 161) directing the parties to demonstrate why certain of the materials submitted for filing under seal should not be unsealed and filed in the public record. On May 10, 2012, the defendants filed a Notice of Filing of Certain Unredacted and Further Redacted Materials in Response to Order to Show Cause (ECF No. 163), and on May 11, 2012, the defendants filed a Notice of Filing of Corrected Exhibit (ECF No. 164), setting forth the defendants' response to the Order to Show Cause.

In the defendants' response to the Order to Show Cause, they concede that the brief in support of their motion to compel and Exhibits K and L to the Declaration of Emily O'Brien in support thereof contain no confidential information, attaching unredacted copies of these documents for filing in the public record. The defendants maintain that Exhibits M and N contain confidential technical and commercial information, but concede that the public filing of redacted versions of these documents is appropriate, and redacted copies of these two exhibits are attached to their response.

Based on the Court's in camera review and the defendants' response to the Order to Show Cause, the Court FINDS that the redacted portions of the newly proffered public versions of Exhibits M and N contain confidential technical and commercial information that is normally unavailable to the public. Moreover, the Court FINDS that the parties' non-confidential, public filings adequately apprise the public of the nature of this confidential information. The Court further FINDS that the public's interest in access is outweighed here by the parties' interest in preserving confidentiality, and there are no alternatives that appropriately serve these interests. The Court correspondingly FINDS that the remainder of the materials originally submitted for filing under seal in connection with the Motion to Seal (ECF No. 101) is not confidential.

Accordingly, the Court ORDERS the following:

1. The Motion to Seal is GRANTED in part and DENIED in part.
2. The unredacted versions of Exhibit M (ECF No. 107 attach. 3) and Exhibit N (ECF No. 107 attach. 4) shall be FILED UNDER SEAL.
3. The unredacted versions of the defendants' brief in support of their motion to compel (ECF No. 164 attach. 1), Exhibit K (ECF No. 163 attach. 3), and Exhibit L (ECF No. 163 attach. 4) shall be DEEMED UNSEALED and filed in the public record.
4. The redacted versions of Exhibit M (ECF No. 163 attach. 5) and Exhibit N (ECF No. 163 attach. 6) shall be filed in the public record.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

Norfolk, Virginia

May 16, 2012