

**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 Brief in Support of Motion to Compel (“Portions of Google’s Brief to Compel”) and (2) Exhibits A-C, H-N, P-U to the Declaration of Jen Ghaussy in Support of Google Inc.’s Motion to Compel (“Certain Exhibits to the Ghaussy 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 (1) Portions of Google’s Brief to Compel and (2) Certain Exhibits to the Ghaussy Declaration in support thereof.

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 (4<sup>th</sup> Cir. 2000)). This Court finds

that Portions of Google's Brief to Compel and Certain Exhibits to the Ghaussy 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 Brief to Compel and Certain Exhibits to the Ghaussy 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 Brief to Compel and Certain Exhibits (A-C, H-N, P-U ) to the Ghaussy 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: August \_\_\_\_, 2012

Entered: \_\_\_\_/\_\_\_\_/\_\_\_\_

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United States District Court  
Eastern District of Virginia

**WE ASK FOR THIS:**

*/s/Stephen E. Noona*

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