

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

**NOTICE OF MOTION TO SEAL PORTIONS OF GOOGLE INC.'S BRIEF IN  
SUPPORT OF MOTION TO COMPEL AND VARIOUS EXHIBITS TO THE  
DECLARATION OF JEN GHAUSSY IN SUPPORT THEREOF**

PLEASE TAKE NOTICE THAT Defendant Google Inc. (“Google”), by counsel, pursuant to Rule 5 of the Local Rules of Practice for the United States District Court for the Eastern District of Virginia and the Protective Order [Dkt. No. 85] entered in this matter, has moved the Court for leave to file under 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”). Grounds and authorities for this Motion are set forth in Google’s Memorandum in Support of Motion to Seal. Portions of Google’s Brief to Compel and Certain Exhibits to the Ghaussy Declaration contain confidential information and, under the Protective Order (Dkt. No. 85), should be filed under seal.

Before this Court may seal Court documents, it must: (1) provide public notice with an opportunity to object; (2) consider less drastic alternatives; and (3) state specific findings in support of a decision to seal and reject 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)).

In compliance with Local Rule 5 of the Rules of this Court and *Ashcroft*, the Court posts the following notice to the public: “This serves as public notice that Google, Inc. has moved to file under seal Portions of Google’s Brief to Compel and Certain Exhibits to the Ghaussy Declaration. Objections to this Motion should be filed in the Civil Section of the Clerk’s Office. The Notice will be posted for a minimum of forty-eight (48) hours.”

DATED: August 14, 2012

/s/ Stephen E. Noona

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 14, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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