

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 DEFENDANTS' BRIEF IN  
OPPOSITION TO PLAINTIFF'S MOTION FOR DISCOVERY SANCTIONS AND  
VARIOUS EXHIBITS TO THE DECLARATION OF EMILY O'BRIEN IN SUPPORT  
THEREOF**

PLEASE TAKE NOTICE THAT Defendants, Google Inc., IAC Search & Media, Inc., Gannett Co., Inc. and Target Corporation ("Defendants"), 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 Defendants' Brief in Opposition To Plaintiff's Motion For Discovery Sanctions ("Defendants' Opposition Brief") and (2) Exhibits M and N to the Declaration of Emily O'Brien in Support thereof ("Certain Exhibits to the O'Brien Declaration"). Grounds and authorities for this Motion are set forth in Defendants' Memorandum in Support of Motion to Seal. Defendants' Opposition Brief and Certain Exhibits to the O'Brien 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 Defendants have moved to file under seal Defendants’ Opposition Brief and Certain Exhibits to the O’Brien 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 17, 2012

/s/ Stephen E. Noona

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 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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