

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 THE MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; EXHIBITS 4-9, 21-22, AND 25-31 TO THE DECLARATION OF HOWARD CHEN IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; AND THE DECLARATION OF BARTHOLOMEW FURROW IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE THAT Defendants Google, Inc., Target Corporation, IAC Search & Media, Inc., Gannet Co., Inc. and AOL Inc. (collectively "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, have moved the Court for leave to file under seal (1) Portions of the Memorandum in Support of Defendants' Motion for Summary Judgment ("Defendants' Memorandum in Support"); (2) Exhibits 4-9, 21-22 and 25-31 to the Declaration of Howard Chen in Support of Defendants' Motion for Summary Judgment ("Certain Exhibits to Chen Declaration"); and (3) the Declaration of Bartholomew Furrow in Support of Defendants' Motion for Summary Judgment ("the Furrow Declaration"). Grounds and authorities for this Motion are set forth in Defendants' Memorandum in Support of Motion to Seal. Defendants' Memorandum in Support, Certain

Exhibits to Chen Declaration, and the Furrow 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 (4th 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’ Memorandum in Support, Certain Exhibits to Chen Declaration, and the Furrow 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: September 12, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on September 12, 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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