

**EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

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I/P ENGINE, INC.,		)	
	Plaintiff,	)	
v.		)	Civ. Action No. 2:11-cv-512
		)	
AOL, INC. et al.,		)	
	Defendants.	)	
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**[PROPOSED] AGREED ORDER**

Before the Court is Plaintiff I/P Engine, Inc.’s (“I/P Engine”) Motion to Seal its Memorandum in Support its Third Motion for Discovery Sanctions Regarding Untimely Discovery Responses along with Exhibits 1, 4, 5, 6, 7 in support. 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. Memorandum in Support of Plaintiff I/P Engine, Inc.'s Third Motion for Discovery Sanctions Regarding Untimely Discovery Responses along with Exhibits 1, 4, 5, 6, 7 in support

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 (4th Cir. 2000)). This Court finds

that the Memorandum in Support of Plaintiff I/P Engine, Inc.'s Third Motion for Discovery Sanctions Regarding Untimely Discovery Responses along with Exhibits 1, 4, 5, 6, 7 in support 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, the Memorandum in Support of Plaintiff I/P Engine, Inc.'s Third Motion for Discovery Sanctions Regarding Untimely Discovery Responses along with Exhibits 1, 4, 5, 6, 7 in support shall remain sealed and be treated in accordance with the terms and conditions of the Protective Order.

Accordingly, it is ORDERED that Plaintiff's Motion to Seal is granted and I/P Engine is permitted to file under seal its Memorandum in Support of its Third Motion for Discovery Sanctions Regarding Untimely Discovery Responses along with Exhibits 1, 4, 5, 6, 7 in support. 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: September \_\_\_\_, 2012

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

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United States District Court  
Eastern District of Virginia