

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' MEMORANDUM IN SUPPORT OF MOTION IN LIMINE NO. 3 TO EXCLUDE MARKETING AND HIGH-LEVEL NON-TECHNICAL MATERIALS RELATED TO HISTORICAL CLICK-THROUGH RATE AND EXHIBITS F, H, I, AND J TO THE DECLARATION OF JOSHUA L. SOHN IN SUPPORT OF THE DEFENDANTS' VARIOUS MOTIONS IN LIMINE

PLEASE TAKE NOTICE THAT Defendants Google Inc., Target Corporation, IAC Search & Media, Inc., Gannett 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 Defendants' Memorandum in Support of Motion In Limine No. 3 to Exclude Marketing and High-Level Non-Technical Materials Related to Historical Click-Through Rate ("Portions of Defendants' Motion in Limine No. 3") and (2) Exhibits F, H, I, and J to the Declaration of Joshua L. Sohn in Support of the Defendants' Various Motions in Limine ("Exhibits F, H, I, and J to the Sohn Declaration"). Portions of Defendants' Motion in Limine No. 3 and Exhibits F, H, I, and J to the Sohn Declaration contain data that is confidential under the Protective Order entered in this matter on

January 23, 2012 (“Protective Order”). Grounds and authorities for the Motion to Seal *along with specific grounds to support each sealing are set forth in Defendants’ Memorandum in Support of Motion to 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 Portions of Defendants’ Motion in Limine No. 3 and Exhibits F, H, I, and J to the Sohn 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 21, 2012

/s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on September 21, 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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