

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

_____)		
I/P ENGINE, INC.,)		
)	
Plaintiff,)		
v.)		Civ. Action No. 2:11-cv-512
)	
AOL, INC. et al.,)		
)	
Defendants.)		
_____)		

**NOTICE OF MOTION TO SEAL EXHIBIT 3 TO THE MEMORANDUM IN SUPPORT
OF PLAINTIFF I/P ENGINE’S FIRST MOTION *IN LIMINE* TO EXCLUDE
INADMISSIBLE EVIDENCE**

PLEASE TAKE NOTICE THAT Plaintiff I/P Engine, Inc. (“I/P Engine”), pursuant to Rule 5 of the Local Rules of Practice for the U.S. District Court for the Eastern District of Virginia, have moved the court for leave to file under seal Exhibit 3 to its Memorandum in Support of its First Motion in Limine to Exclude Inadmissible Evidence. Grounds and authorities for this Motion are set forth in I/P Engine’s Memorandum in Support of Motion to Seal. The afore-mentioned contains information marked as confidential by Defendants and, under the Protective Order (D.I. No. 85), should be filed under seal. The information contained in this exhibit contains Google’s proprietary and confidential information.

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, the Court posts the following notice to the public: “This serves as public notice that I/P Engine has moved to file under seal Exhibit 3 to its Memorandum in Support of its First Motion in Limine to Exclude Inadmissible Evidence. 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

By: Jeffrey K. Sherwood
Donald C. Schultz (Virginia Bar No. 30531)
W. Ryan Snow (Virginia Bar No. 47423)
CRENSHAW, WARE & MARTIN PLC
150 West Main Street
Norfolk, VA 23510
Telephone: (757) 623-3000
Facsimile: (757) 623-5735

Jeffrey K. Sherwood (Virginia Bar No. 19222)
Frank C. Cimino, Jr.
Kenneth W. Brothers
DeAnna Allen
Charles J. Monterio, Jr.
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006
Telephone: (202) 420-2200
Facsimile: (202) 420-2201

Counsel for Plaintiff I/P Engine, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of September, 2012, the foregoing **NOTICE OF MOTION TO SEAL EXHIBIT 3 TO THE MEMORANDUM IN SUPPORT OF PLAINTIFF I/P ENGINE'S FIRST MOTION *IN LIMINE* TO EXCLUDE INADMISSIBLE EVIDENCE**, was served via the Court's CM/ECF on the following:

Stephen Edward Noona
Kaufman & Canoles, P.C.
150 W Main St
Suite 2100
Norfolk, VA 23510
senoona@kaufcan.com

David Bilsker
David Perlson
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
davidbilsker@quinnemanuel.com
davidperlson@quinnemanuel.com

Robert L. Burns
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Two Freedom Square
11955 Freedom Drive
Reston, VA 20190
robert.burns@finnegan.com

Cortney S. Alexander
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
3500 SunTrust Plaza
303 Peachtree Street, NE
Atlanta, GA 94111
cortney.alexander@finnegan.com

/s/ Jeffrey K. Sherwood _____