

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

<hr/>)	
I/P ENGINE, INC.,)	
)	
	Plaintiff,)	
	v.)	Civ. Action No. 2:11-cv-512
)	
AOL, INC. et al.,)	
)	
	Defendants.)	
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**MOTION TO SEAL EXHIBIT 3 TO THE MEMORANDUM IN SUPPORT OF
PLAINTIFF I/P ENGINE’S FIRST MOTION *IN LIMINE* TO EXCLUDE
INADMISSIBLE EVIDENCE**

Pursuant to Local Rule 5 and the Agreed Protective Order entered by the Court [Dkt. No. 85], Plaintiff I/P Engine, Inc. (“I/P Engine”) respectfully moves this Court for entry of the attached Order permitting Plaintiff 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. In compliance with Local Rule 5, I/P Engine attaches a Proposed Agreed Order as Exhibit 1 and is filing separately a Public Notice of I/P Engine’s Motion to Seal. I/P Engine requests that the Court retain sealed materials until

forty-five (45) days after a final order is entered and request that, unless the case is appealed, any sealed materials be returned to counsel for the filing parties. The parties have agreed that confidential materials should be filed under seal.

Dated: September 21, 2012

By: /s/ 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 **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 system, 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 _____

EXHIBIT 1

**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.)	

[PROPOSED] AGREED ORDER

Before the Court is Plaintiff I/P Engine, Inc.’s (“I/P Engine”) Motion to Seal its Opposition to Google and IAC’s Motion to Compel Plaintiff to Supplement its Infringement Contentions along with Exhibits 11, 12, 14, 15, 18, 21, and 22 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. Opposition to Google and IAC’s Motion to Compel Plaintiff to Supplement its Infringement Contentions along with Exhibits 11, 12, 14, 15, 18, 21, and 22 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 I/P Engine's Opposition to Google and IAC's Motion to Compel Plaintiff to Supplement its Infringement Contentions along with Exhibits 11, 12, 14, 15, 18, 21, and 22 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, I/P Engine's Opposition to Google and IAC's Motion to Compel Plaintiff to Supplement its Infringement Contentions along with Exhibits 11, 12, 14, 15, 18, 21, and 22 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 Opposition to Google and IAC's Motion to Compel Plaintiff to Supplement its Infringement Contentions along with Exhibits 11, 12, 14, 15, 18, 21, and 22 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: April __, 2012

Entered: ____/____/____

United States District Court
Eastern District of Virginia