

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 MEMORANDUM IN SUPPORT OF
DEFENDANTS' MOTION TO PRECLUDE DR. OPHIR FRIEDER FROM
TESTIFYING REGARDING UNTIMELY OPINIONS THAT WERE NOT DISCLOSED
IN HIS ORIGINAL EXPERT REPORT AND OPINIONS THAT HE NOW CONCEDES
ARE INCORRECT AND CERTAIN MATERIALS FILED IN SUPPORT THEREOF**

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 Memorandum in Support of Defendants' Motion to Preclude Testimony Dr. Ophir Frieder From Testifying Regarding Untimely Opinions That Were Not Disclosed In His Original Expert Report and Opinions That He Now Concedes Are Incorrect ("Portions of Defendants' Motion to Preclude Frieder") and (2) Exhibits A, B, G, and H to the Declaration of Jen Ghaussy in Support of the Defendants' Motion to Preclude Frieder ("Exhibits A, B, G, and H to the Ghaussy Declaration"). Portions of Defendants' Motion in to Preclude Frieder and Exhibits A, B, G, and H to the Ghaussy

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 to Preclude Frieder and Exhibits A, B, G, and H to the Ghaussy 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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