

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 DOCUMENTS AND CLOSE THE COURTROOM
DURING PRESENTATION OF CONFIDENTIAL MATERIAL AT TRIAL**

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 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 seal documents and close the courtroom during presentation of confidential material at trial. 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 Documents and Close the Courtroom During Presentation of Confidential Material at Trial (“Motion to Close Courtroom”)*.

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)). Defendants have asked this Court to close the courtroom and seal the record as to three limited categories of extraordinarily sensitive and valuable confidential business information: (1) how AdWords and AdSense for Search determine which advertisements to display to users, (2) Google’s confidential patent license agreements and other intellectual property agreements, and (3) Defendants’ confidential, non-public financial information.

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 close the courtroom and seal certain documents and testimony relating to (1) how AdWords and AdSense for Search determine which advertisements to display to users, (2) Google’s confidential patent license agreements and other intellectual property agreements, and (3) Defendants’ confidential, non-public financial information. 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 24, 2012

/s/ Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 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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