

# **EXHIBIT 1**

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

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO SEAL  
DOCUMENTS AND CLOSE THE COURTROOM DURING PRESENTATION OF  
CONFIDENTIAL MATERIAL AT TRIAL**

Before the Court is Defendants' Motion to Seal Documents and Close the Courtroom During Presentation of Confidential Material at Trial. 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 ("Confidential Portions of Trial").

1. This Court finds that Google's Confidential Portions of Trial will involve testimony and documents that are 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.

2. Specifically, the Court finds the following reasons for sealing the requested pleadings: Google's Confidential Portions of Trial will involve (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. This information and related documents contain extraordinarily sensitive and valuable information regarding Google's products and the confidential manner in which they work, and licensing and financial information the public disclosure of which would cause Google economic and competitive harm and could hurt Google's customers by increasing the rankings of lower quality advertisements. A lack of Court protection of the aforementioned information would cause Google severe economic harm because the information could be used by Google's competitors to attempt to mimic Google's unique, successful, and, thus far, confidential details of its advertising system. Additionally, the Court finds that Defendants shall make all reasonable efforts to limit their requests for redactions and closures in compliance with the law of this Circuit.

After careful consideration of the grounds and authorities presented, and for good cause shown, Defendants' Motion is GRANTED.

Therefore, it is hereby ORDERED that:

The Court will close the courtroom during presentation of confidential commercial evidence 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, and will seal trial documents reflecting confidential commercial information. As

soon as it is practicable to do so, Defendants shall submit a specific and narrowly tailored list of the confidential evidence and testimony that should be shielded from public disclosure.

Dated: \_\_\_\_\_, 2012

\_\_\_\_\_

HON. RAYMOND A. JACKSON  
UNITED STATES DISTRICT JUDGE

**WE ASK FOR THIS:**

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