

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

I/P ENGINE, INC.,

Plaintiff,

v.

AOL, INC. et al.,

Defendants.

Civ. Action No. 2:11-cv-512

**MOTION TO SEAL EXHIBIT 1 TO PLAINTIFF I/P ENGINE, INC.'S MEMORANDUM
IN SUPPORT OF ITS DAUBERT MOTION, AND FOURTH MOTION IN LIMINE, TO
EXCLUDE LYLE UNGAR'S NEW THEORY OF INVALIDITY AND OPINIONS
REGARDING CLAIM CONSTRUCTION**

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 1 to its Memorandum in Support of Plaintiff I/P Engine's Daubert Motion, and Fourth Motion in Limine, to Exclude Lyle Ungar's New Theory of Invalidity and Opinions Regarding Claim Construction. 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 24, 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 24th day of September, 2012, the foregoing
**MOTION TO SEAL EXHIBIT 1 TO PLAINTIFF I/P ENGINE, INC.'S MEMORANDUM
IN SUPPORT OF ITS DAUBERT MOTION, AND FOURTH MOTION IN LIMINE, TO
EXCLUDE LYLE UNGAR'S NEW THEORY OF INVALIDITY AND OPINIONS
REGARDING CLAIM CONSTRUCTION**, 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