

Exhibit 1

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**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

Before the Court is the Motion to Seal filed by Defendants Google Inc., Target Corporation, IAC Search & Media, Inc., Gannett Co., Inc. and AOL Inc. (collectively “Defendants”) (“Defendants’ Motion to Seal”) (1) Portions of Defendants’ Opposition to Plaintiff I/P Engine’s First Motion in Limine to Exclude Inadmissible Evidence (“Portions of Defendants’ Opposition to Plaintiff’s First Motion in Limine”); (2) Portions of Defendants’ Opposition to Plaintiff I/P Engine’s Second Motion in Limine to Preclude License Agreements (“Portions of Defendants’ Opposition to Plaintiff’s Second Motion in Limine”); and (3) Exhibits E and K to the Declaration of Margaret P. Kammerud in Support of Defendants’ Opposition to Plaintiff’s Motions in Limine (“Exhibits E and K to the Kammerud Declaration”). 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. Defendants have asked to file under seal Portions of Defendants’ Opposition to Plaintiff’s First Motion in Limine, Portions of Defendants’ Opposition to Plaintiff’s Second

Motion in Limine, Exhibits E and K to the Kammerud Declaration as they contain data that is confidential under the Protective Order entered in this matter on January 23, 2012 (Dkt. No. 85) (“Protective Order”).

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 *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)).

3. This Court finds that Portions of Defendants’ Opposition to Plaintiff’s First Motion in Limine, Portions of Defendants’ Opposition to Plaintiff’s Second Motion in Limine, Exhibits E and K to the Kammerud Declaration may contain data that is confidential under the Protective Order; 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.

4. Specifically, the Court finds the following reasons for sealing the requested pleadings:

(a) Portions of Defendants’ Memorandum in Support of Their Opposition to Plaintiff I/P Engine’s First Motion in Limine to Exclude Inadmissible Evidence contains confidential Google financial information and Plaintiff and third party confidential licensing information that is not generally known, that has economic value, and would cause competitive harm if made public;

(b) Portions of Defendants’ Opposition to Plaintiff’s Second Motion in Limine to Preclude License Agreements contains confidential Google licensing information and confidential third party licensing information that is not generally known, that has economic value and would cause competitive harm if made public;

(c) Exhibit E to Margaret P. Kammerud’s Declaration in Support of Defendants’ Opposition to Plaintiff’s Motions in Limine contains confidential Google

financial and licensing information which is not generally known, that has economic value and would cause competitive harm if made public; and

(d) Portions of Exhibit K to Margaret P. Kammerud's Declaration in Support of Defendants' Opposition to Plaintiff's Motions in Limine contains confidential Google technical information which is not generally known, that has economic value and would cause competitive harm if made public.

Additionally, the Court finds that the Defendants have made all reasonable efforts to limit their redactions in compliance with the law of this Circuit.

5. *In camera* copies of Portions of Defendants' Opposition to Plaintiff's First Motion in Limine, Portions of Defendants' Opposition to Plaintiff's Second Motion in Limine, Exhibits E and K to the Kammerud Declaration *have been reviewed by the Court*. In light of Defendants' concerns and the Protective Order, there appears to be no alternative that appropriately serves Defendants' expressed confidentiality concerns.

6. For the sake of consistency with practices governing the case as a whole, Portions of Defendants' Opposition to Plaintiff's First Motion in Limine, Portions of Defendants' Opposition to Plaintiff's Second Motion in Limine, Exhibits E and K to the Kammerud Declaration shall remain sealed and be treated in accordance with the terms and conditions of the Protective Order.

Accordingly, it is ORDERED that Defendants' Motion to Seal is granted and Defendants are permitted to file under seal Portions of Defendants' Opposition to Plaintiff's First Motion in Limine, Portions of Defendants' Opposition to Plaintiff's Second Motion in Limine, Exhibits E and K to the Kammerud Declaration. 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: September ____, 2012

Entered: ____/____/____

United States District Court
Eastern District of Virginia

WE ASK FOR THIS:

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