

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

I/P ENGINE, INC.,	)	
	)	
Plaintiff,	)	
v.	)	Civ. Action No. 2:11-cv-512
	)	
AOL, INC. et al.,	)	
	)	
Defendants.	)	
	)	

**NOTICE OF MOTION TO SEAL PLAINTIFF I/P ENGINE, INC.’S OPPOSITION TO  
DEFENDANTS’ MOTION IN LIMINE #3 TO EXCLUDE MARKETING AND HIGH-  
LEVEL NON-TECHNICAL MATERIALS RELATED TO HISTORICAL CLICK-  
THROUGH RATE ALONG WITH EXHIBITS 3-11**

PLEASE TAKE NOTICE THAT Plaintiff I/P Engine, Inc. (“I/P Engine”), pursuant to Rule 5 of the Local Rules of Practice for the U.S. District Court for the Eastern District of Virginia, have moved the court for leave to file under seal its Opposition to Defendants’ Motion in Limine #3 to Exclude Marketing and High-Level, Non-Technical Materials Related to Historical Click-Through Rate along with Exhibits 3-11. Grounds and authorities for this Motion are set forth in I/P Engine’s Memorandum in Support of Motion to Seal. The aforementioned contains information marked as confidential by Defendants and, under the Protective Order (D.I. No. 85), should be filed under seal. The information contained in this exhibit contains Google’s proprietary and confidential information.

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, the Court posts the following notice to the public: “This serves as public notice that I/P Engine has moved to file under seal its Opposition to Defendants’ Motion in Limine #3 to Exclude Marketing and High-Level, Non-Technical Materials Related to Historical Click-Through Rate along with Exhibits 3-11. 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 27, 2012

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Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of September, 2012, the foregoing **NOTICE OF MOTION TO SEAL PLAINTIFF I/P ENGINE, INC.'S OPPOSITION TO DEFENDANTS' MOTION IN LIMINE #3 TO EXCLUDE MARKETING AND HIGH-LEVEL NON-TECHNICAL MATERIALS RELATED TO HISTORICAL CLICK-THROUGH RATE ALONG WITH EXHIBITS 3-11**, was served via the Court's CM/ECF on the following:

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/s/ Jeffrey K. Sherwood \_\_\_\_\_