

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: (1) PORTIONS OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S DAUBERT MOTION, AND FOURTH MOTION *IN LIMINE*, TO EXCLUDE LYLE UNGAR'S NEW THEORY OF INVALIDITY AND OPINIONS REGARDING CLAIM CONSTRUCTION AND (2) EXHIBITS 10 AND 12 TO THE DECLARATION OF HOWARD CHEN IN SUPPORT OF DEFENDANTS' MEMORANDUM IN OPPOSITION TO PLAINTIFF'S DAUBERT MOTION, AND FOURTH MOTION *IN LIMINE*, TO EXCLUDE LYLE UNGAR'S NEW THEORY OF INVALIDITY AND OPINIONS REGARDING CLAIM CONSTRUCTION

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 Rule 5 of 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 file under seal Portions of Defendants' Opposition to Plaintiff's Daubert Motion, and Fourth Motion *in Limine*, to Exclude Lyle Ungar's New Theory of Invalidity and Opinions Regarding Claim Construction ("Defendants' Opposition") and Exhibits 10 and 12 to the Declaration of Howard Chen in Support of Defendants' Memorandum in Opposition to Plaintiff's Daubert Motion, and Fourth Motion *in Limine*, to Exclude Lyle Ungar's New Theory of Invalidity and Opinions Regarding Claim Construction ("Exhibits 10 and 12 to

Chen Declaration”). 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.*

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

In compliance with Local Rule 5 of the Rules of this Court and *Ashcraft*, the Court posts the following notice to the public: “This serves as public notice that Defendants have moved to file under seal Portions of Defendants’ Opposition to Plaintiff’s Daubert Motion, and Fourth Motion *in Limine*, to Exclude Lyle Ungar’s New Theory of Invalidity and Opinions Regarding Claim Construction (“Defendants’ Opposition”) and Exhibits 10 and 12 to the Declaration of Howard Chen in Support of Defendants’ Memorandum in Opposition to Plaintiff’s Daubert Motion, and Fourth Motion in Limine, to Exclude Lyle Ungar’s New Theory of Invalidity and Opinions Regarding Claim Construction (“Exhibits 10 and 12 to Chen Declaration”). 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: October 1, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 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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