

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

**MOTION TO SEAL (1) PORTIONS OF DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION TO PRECLUDE DR. OPHIR FRIEDER FROM TESTIFYING REGARDING UNTIMELY OPINIONS THAT WERE NOT DISCLOSED IN HIS ORIGINAL EXPERT REPORT AND OPINIONS THAT HE NOW CONCEDES ARE INCORRECT; (2) PORTIONS OF DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION TO EXCLUDE THE TESTIMONY OF STEPHEN L. BECKER; AND (3) PORTIONS OF EXHIBIT I TO THE DECLARATION OF HOWARD CHEN IN SUPPORT OF DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION TO PRECLUDE DR. OPHIR FRIEDER**

Pursuant to Local Rule 5 and the Agreed Protective Order entered in this matter on January 23, 2012 (Dkt. 85) ("Protective Order"), Defendants Google Inc., Target Corporation, IAC Search & Media, Inc., Gannet Co., Inc. and AOL Inc. (collectively "Defendants"), respectfully move this Court for entry of the attached Order permitting Defendants to file under seal (1) Portions of Defendants' Reply Brief in Support of Their Motion to Preclude Dr. Ophir Frieder From Testifying Regarding Untimely Opinions That Were Not Disclosed in his Original Expert Report and Opinions that he Now Concedes Are Incorrect ("Reply Brief to Preclude Dr. Frieder"); (2) Portions of Defendants' Reply Brief in Support of Their Motion to Exclude the Testimony of Stephen L. Becker ("Reply Brief to Preclude Dr. Becker"); and (3) Portions of

Exhibit I to the Declaration of Howard Chen in Support of Defendants' Reply Brief in Support of Their Motion to Preclude Dr. Ophir Frieder ("Exhibit I to the Chen Declaration"). Grounds and authorities for this Motion are set forth in Defendants' Memorandum in Support of Motion to Seal. In compliance with Local Rule 5, Defendants attach a Proposed Order as **Exhibit 1** and are filing separately a Public Notice of Defendants' Motion to Seal. Defendants request that the Court retain sealed materials until forty-five (45) days after a final order is entered and requests that, unless the case is appealed, any sealed materials be returned to counsel for the filing parties.

DATED: October 2, 2012

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## **CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 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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