

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' 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**

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 entered in this matter on January 23, 2012 (Dkt. 85) ("Protective Order"), have moved the Court for leave 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 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 (4<sup>th</sup> 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 the Reply Brief to Preclude Dr. Frieder, Portions of the Reply Brief to Preclude Dr. Becker, and Portions of Exhibit I to the 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 2, 2012

/s/ Stephen E. Noona

Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169  
senoona@kaufcan.com

David Bilsker  
David A. Perlson  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700  
davidbilsker@quinnemanuel.com  
davidperlson@quinnemanuel.com

*Counsel for Google Inc., Target Corporation,  
IAC Search & Media, Inc., and Gannett Co., Inc.*

/s/ Stephen E. Noona

Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 W. Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169  
senoona@kaufcan.com

Robert L. Burns  
FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190  
Telephone: (571) 203-2700  
Facsimile: (202) 408-4400

Cortney S. Alexander  
FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER, LLP  
3500 SunTrust Plaza  
303 Peachtree Street, NE  
Atlanta, GA 94111  
Telephone: (404) 653-6400  
Facsimile: (415) 653-6444

*Counsel for Defendant AOL Inc.*

**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:

Jeffrey K. Sherwood  
Kenneth W. Brothers  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street NW  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201  
sherwoodj@dicksteinshapiro.com  
brothersk@dicksteinshapiro.com

Donald C. Schultz  
W. Ryan Snow  
Steven Stancliff  
CRENSHAW, WARE & MARTIN, P.L.C.  
150 West Main Street, Suite 1500  
Norfolk, VA 23510  
Telephone: (757) 623-3000  
Facsimile: (757) 623-5735  
dschultz@cwm-law.com  
wrsnow@cwm-law.com  
sstancliff@cwm-law.com

*Counsel for Plaintiff, I/P Engine, Inc.*

/s/ Stephen E. Noona  
Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169  
senoona@kaufcan.com