

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 PORTIONS OF EXHIBIT 1 TO THE O'BRIEN
DECLARATION IN SUPPORT OF DEFENDANTS' MOTION FOR SANCTIONS AND
TO STRIKE PORTIONS OF DR. FRIEDER'S SECOND UPDATED EXPERT REPORT**

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 Portions of Exhibit 1 to the O'Brien Declaration in Support of Defendants' Motion for Sanctions and to Strike Portions of Dr. Frieder's Second Updated Expert Report ("Portions of O'Brien Dec. Ex. 1"). Grounds and authorities for the Motion to Seal along with specific grounds to support the 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 O’Brien Dec. Ex. 1. 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 14, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 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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