

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 DEFENDANTS' MEMORANDUM IN  
OPPOSITION TO PLAINTIFF'S RULE 59 MOTION FOR A NEW TRIAL ON THE  
DOLLAR AMOUNT OF DAMAGES AND EXHIBIT 2 TO THE DECLARATION OF  
MARGARET P. KAMMERUD FILED IN SUPPORT THEREOF**

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 (Doc. No. 85) ("Protective Order"), have moved the Court for leave to file under seal Portions of Defendants' Memorandum in Opposition to Plaintiff's Rule 59 Motion for a New Trial on the Dollar Amount of Damages ("Memorandum in Opposition to Rule 59 Motion") and Exhibit 2 to the Declaration of Margaret P. Kammerud filed in support of that Opposition ("Exhibit 2 to the Kammerud 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 Memorandum in Opposition to Rule 59 Motion and Exhibit 2 to the Kammerud 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: January 25, 2013

/s/ Stephen E. Noona

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 25, 2013, 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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