

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

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I/P ENGINE, INC.,		)	
		)	
	Plaintiff,	)	
	v.	)	Civ. Action No. 2:11-cv-512
		)	
AOL, INC. et al.,		)	
		)	
	Defendants.	)	
<hr/>		)	

**MOTION TO SEAL I/P ENGINE, INC.’S OPPOSITION TO DEFENDANTS’  
RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW ON NON-  
INFRINGEMENT OR NEW TRIAL**

Pursuant to Local Rule 5 and the Agreed Protective Order entered by the Court [Dkt. No. 85], Plaintiff I/P Engine, Inc. (“I/P Engine”) respectfully moves this Court for entry of the attached Order permitting Plaintiff to file under seal its Opposition to Defendants’ Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial. Grounds and authorities for this Motion are set forth in I/P Engine’s Memorandum in Support of Motion to Seal. In compliance with Local Rule 5, I/P Engine attaches a Proposed Agreed Order as Exhibit 1 and is filing separately a Public Notice of I/P Engine’s Motion to Seal. I/P Engine requests that the Court retain sealed materials until forty-five (45) days after a final order is entered and request that, unless the case is appealed, any sealed materials be returned to counsel for the filing parties. The parties have agreed that confidential materials should be filed under seal.

Dated: January 25, 2013

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Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of January, 2013, the foregoing **MOTION TO SEAL I/P ENGINE, INC.'S OPPOSITION TO DEFENDANTS' RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW ON NON-INFRINGEMENT OR NEW TRIAL**, was served via the Court's CM/ECF system, on the following:

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/s/ Jeffrey K. Sherwood \_\_\_\_\_

**EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

_____	)	
I/P ENGINE, INC.,	)	
	)	
Plaintiff,	)	
v.	)	Civ. Action No. 2:11-cv-512
	)	
AOL, INC. et al.,	)	
	)	
Defendants.	)	
_____	)	

**[PROPOSED] AGREED ORDER**

Before the Court is Plaintiff I/P Engine, Inc.’s (“I/P Engine”) Motion to Seal its Opposition to Defendants’ Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial. After considering the Motion to Seal, Order and related filings, the Court is of the opinion that the Motion to Seal should be granted. It is therefore ORDERED as follows:

1. Opposition to Defendants’ Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial.

2. There are three requirements for sealing court filings: (1) public notice with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting 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 *Ashcroft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). This Court finds

that I/P Engine's Opposition to Defendants' Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial may contain data that is confidential under the Protective Order entered in this matter on January 23, 2012; that public notice has been given, that no objections have been filed; that the public's interest in access is outweighed by the interests in preserving such confidentiality; and that there are no alternatives that appropriately serve these interests.

3. For the sake of consistency with practices governing the case as a whole, I/P Engine's Opposition to Defendants' Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial shall remain sealed and be treated in accordance with the terms and conditions of the Protective Order.

Accordingly, it is ORDERED that Plaintiff's Motion to Seal is granted and I/P Engine is permitted to file under seal its Opposition to Defendants' Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial. The Court shall retain sealed materials until forty-five (45) days after entry of a final order. If the case is not appealed, any sealed materials should then be returned to counsel for the filing party.

Dated: January \_\_\_\_, 2013

Entered: \_\_\_\_/\_\_\_\_/\_\_\_\_

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United States District Court  
Eastern District of Virginia