

# Exhibit 1

**EXHIBIT 1**

**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

**PROPOSED ORDER REGARDING PARTIES' JOINT RESPONSE TO THE COURT'S  
ORDER REGARDING OUTSTANDING MOTIONS TO SEAL CASE DOCUMENTS**

On this day came the parties, I/P Engine, Inc. ("Plaintiff") and AOL Inc., Gannett Co., Inc., Google Inc., IAC Search & Media, Inc., and Target Corporation (collectively "Defendants"), by counsel, pursuant to this Court's Order Regarding Outstanding Motions to Seal Case Documents (D.N. 886) ("Order Regarding Outstanding Motions to Seal"), and the Parties' Joint Response to the Court's Order Regarding Outstanding Motions to Seal (the "Response"), and after consideration of that Response and arguments in support of that Response, and for good cause shown, it is:

**ORDERED THAT:**

1. The following pending motions to seal are deemed moot and therefore withdrawn:

<b>Docket Number</b>	<b>Motion Name</b>
355	MOTION to Seal Exhibit 1 to its Memorandum in Support of Plaintiff I/P Engines Daubert Motion, and Fourth Motion in Limine, to Exclude Lyle Ungar's New Theory of Invalidity and Opinions Regarding Claim Construction

346, 412	MOTION to Seal Documents and Close the Courtroom During Presentation of Confidential Material at Trial Joint MOTION to Amend/Correct 346 MOTION to Seal Documents and Close the Courtroom During Presentation of Confidential Material at Trial Joint Motion and Memorandum in Support of Joint Motion To Amend/Modify Scheduling Order to Provide Briefing Schedule for Motion to Seal and Close Courtroom
436	MOTION to Seal Plaintiff I/P Engine, Inc.'s Opposition to Defendants' Motion in Limine #1 along with Exhibits 5-6 and 11-12
514	MOTION to Seal Exhibits 1 and 2 to its Response to Defendants Motion to Seal Documents and Close the Courtroom During Presentation of Confidential Materials at Trial
687	MOTION to Seal Portions of the Order on the Final Pretrial Conference

The Clerk is instructed to return to the parties all previously filed materials relating to these withdrawn motions.

2. Based upon the parties' joint representations and the expectation that both parties may file an appeal in this matter, the following motions to seal still need to be resolved by the Court:

<b>Docket Number</b>	<b>Motion Name</b>
280	MOTION to Seal Plaintiff I/P Engine, Inc.'s Second Motion for Discovery Sanctions Regarding Untimely Discovery Responses along with Exhibits 2, 4, 5, 7, 8, 9, 13, and 14 in support
289, 368 (Corrected D.N. 285)	MOTION to Seal [CORRECTED MOTION] Memorandum in Support of Plaintiff I/P Engine, Inc.'s Third Motion for Discovery Sanctions Regarding Untimely Discovery Responses along with Exhibits 1, 4, 5, 6, 7, in support  Sealed Memorandum in Support of THIRD 285 MOTION to Seal Memorandum in Support of Plaintiff I/P Engine, Inc.'s Third Motion for Discovery Sanctions Regarding Untimely Discovery Responses along with Exhibits 1, 4, 5, 6, 7, in support
296	MOTION to Seal Portions of Defendants' Memorandum in Support of Motion in Limine No. 3 to Exclude Marketing and High-Level Non-Technical Matters Related to Historical Click-Through Rate, and Exhibits F, H, I and J to the Declaration of Joshua L. Sohn in Support of the Defendants' Various Motions in Limine
312	MOTION to Seal Exhibit 3 to the Memorandum in Support of Plaintiff I/P Engine's First Motion in Limine to Exclude

	Inadmissible Evidence
316	MOTION to Seal Portions of Memorandum in Support of Defendants' Motion to Exclude Testimony from Stephen L. Becker and Certain Materials Filed in Support Thereof
324	MOTION to Seal Portions of Memorandum in Support of Defendants' 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, and Certain Materials Filed in Support Thereof
331	MOTION to Seal the Memorandum in Support of Plaintiff I/P Engine, Inc.'s Second Motion in Limine to Preclude Non-Comparable License Agreements along with Exhibits 1 and 2
338	MOTION to Seal the Memorandum in Support of Plaintiff I/P Engine, Inc.'s Motion to Exclude Opinions and Testimony of Keith R. Ugone along with Exhibits 1 and 2
343	MOTION to Seal Portions of the Declaration of Michael Hochberg in Support of Plaintiff's and Defendants' Motions to Seal
425	MOTION to Seal its Opposition to Defendants Motion for Summary Judgment along with Exhibits 8, 11-19, 22-24, 27-32, 34-39, 45, 53-54, 56
429	MOTION to Seal (1) Portions of Defendants' Opposition to Plaintiff I/P Engine's First Motion in Limine to Exclude Inadmissible Evidence; (2) Portions of Defendants' Opposition to Plaintiff I/P Engine's Second Motion in Limine to Preclude License Agreements, and (3) Exhibits E and K to the Declaration of Margaret P. Kammerud in Support of Defendants' Opposition to Plaintiff's Motions in Limine
441	MOTION to Seal Plaintiff I/P Engine, Inc.'s Opposition to Defendants' Motion in Limine #2 along with Exhibits 1 and 2
445	MOTION to Seal Plaintiff I/P Engine, Inc.'s Opposition to Defendants' Motion in Limine #3 along with Exhibits 3-11
449	MOTION to Seal Plaintiff I/P Engine, Inc.'s Opposition to Defendants' Motion in Limine #4 along with Exhibits 1 and 2
453	MOTION to Seal Plaintiff I/P Engine, Inc.'s Opposition to Defendants' Motion in Limine #5 along with Exhibits 1 and 2
457	MOTION to Seal Plaintiff I/P Engine, Inc.'s Opposition to Defendants' Motion to Exclude the Testimony of Stephen L. Becker along with Exhibits 1-5, 7-8, and 10-11
462	MOTION to Seal Plaintiff I/P Engine, Inc.'s Opposition to Defendants Motion to Preclude Dr. Frieder from Testifying Regarding Untimely Opinions along with Exhibits 1-3 and 5
465	MOTION to Seal Defendants' Memorandum in Support of Their Opposition to Plaintiff I/P Engine, Inc.'s Motion to Exclude Opinions and Testimony of Keith R. Ugone
508	MOTION to Seal (1) Portions of Defendants' Opposition to Plaintiff's Daubert Motion, and Fourth Motion in Limine, to

	Exclude Lyle Ungar's New Theory of Invalidity and Opinions Regarding Claim Construction and (2) Exhibits 10 and 12 to the Declaration of Howard Chen in Support of Defendants' Memorandum in Opposition to Plaintiff's Daubert Motion, and Fourth Motion in Limine, to Exclude Lyle Ungar's New Theory of Invalidity and Opinions Regarding Claim Construction
517	MOTION to Seal (1) Portions of Defendants' Memorandum in Opposition to Plaintiff's Second Motion for Discovery Sanctions; (2) Portions of Defendants' Memorandum in Opposition to Plaintiff's Third Motion for Discovery Sanctions; (3) Portions of the Declaration of Margaret Kammerud in Support of Defendants' Opposition to Plaintiff's Third Motion for Discovery Sanctions; (4) Portions of Exhibits A-E, G, I-K to the Declaration of Jennifer Ghaussy in Support of Defendants' Opposition to Plaintiff's Second Motion for Discovery Sanctions; and (5) Exhibits L-Q to the Declaration of Margaret Kammerud in Support of Defendants' Opposition to Plaintiff's Third Motion for Discovery Sanctions
524	MOTION to Seal Portions of the Reply in Support of Defendants' Motion for Summary Judgment, and Exhibits 34 and 36 to the Declaration of Joshua L. Sohn in Support of Defendants' Reply in Support of Defendants' Motion for Summary Judgment
561	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
567	MOTION to Seal Plaintiff I/P Engine, Inc.'s Reply in Further Support of its Motion to Exclude Opinions and Testimony of Keith R. Ugone along with Exhibits 1-3
647	MOTION to Seal Plaintiff I/P Engine, Inc.'s Reply in Further Support of its Third Motion for Discovery Sanctions along with Exhibits 1 and 2
684	MOTION to Seal Exhibits 1 and 4 to its Opposition to Defendants Motion to Dismiss All Claims Against AOL, Inc., Gannett Co., Inc., IAC Search & Media, Inc., and Target Corporation
706	MOTION to Seal Portions Of Exhibit 1 To The OBrien Declaration In Support Of Defendants Motion For Sanctions And To Strike Portions Of Dr. Frieder's Second Updated Expert Report
802	MOTION to Seal and Redact Portions of Trial Record
828	MOTION to Seal (1) Portions Of Defendants Memorandum In Support Of Renewed Motion For Judgment As A Matter Of Law On Non-Infringement Or New Trial; (2) Portions Of Defendants'

	Memorandum In Support Of Renewed Motion For Judgment As A Matter Of Law On Damages Or New Trial; And (3) Certain Exhibit To The Declaration Of Joshua L. Sohn In Support Of Defendants Renewed Motions For Judgment As A Matter Of Law On Damages, Invalidity And Non-Infringement Or New Trial
866	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
873	MOTION to Seal Plaintiff I/P Engine, Inc.'s Opposition to Defendants Renewed Motion for Judgment as a Matter of Law on Non-Infringement or New Trial

3. Based upon the parties' joint representations, the following individual materials subject to the motions to seal that still need to be resolved by the Court may be filed publicly:

<b>Docket Number of Motion to Be Ruled Upon</b>	<b>Docket Number of Document at Issue</b>	<b>Document Description</b>
280	278, 342	Plaintiff's Memorandum in Support of Second motion for Sanctions
280	278-14, 366	Exhibit 14 to Plaintiff's Memorandum in Support of Second motion for Sanctions
289, 368 (Corrected D.N. 285)	283	Plaintiff's Memorandum in Support of Third Motion for Sanctions
289, 368 (Corrected D.N. 285)	283-4, 370	Exhibit 4 to Plaintiff's Memorandum in Support of Third Motion for Sanctions
289, 368 (Corrected D.N. 285)	283-5, 371	Exhibit 5 to Plaintiff's Memorandum in Support of Third Motion for Sanctions
296	304, 380	Defendants' Memorandum in Support of Motion in Limine 3
296	310-6, 381	Exhibit F to Defendants' Memorandum in Support of Motion in Limine 3
296	310-8, 382	Exhibit H to Defendants' Memorandum in Support of Motion in Limine 3
296	310-9, 383	Exhibit I to Defendants' Memorandum in Support of Motion in Limine 3
316	323-2, 387	Exhibit 2 to O'Brien Declaration in Support of Defendants' Motion to Exclude Becker
316	323-13, 398	Exhibit 13 to O'Brien Declaration in Support of Defendants' Motion to Exclude Becker
316	321, 402	Fox Declaration in Support of Defendants'

		Motion to Exclude Becker
324	329-8, 379	Exhibit H to Defendant's Motion to Exclude Frieder
338	341, 420	Plaintiff's Memorandum in Support of Motion to Exclude Ugone
425	427-19	Exhibit 45 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-29	Exhibit 56 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
429	439	Defendants' Opposition to Plaintiff's Motion in Limine 1
445	447	Plaintiff's Opposition to Defendants' Motion in Limine 3
445	447-3	Exhibit 3 to Plaintiff's Opposition to Defendants' Motion in Limine 3
445	447-4	Exhibit 4 to Plaintiff's Opposition to Defendants' Motion in Limine 3
445	447-7	Exhibit 7 to Plaintiff's Opposition to Defendants' Motion in Limine 3
445	447-8	Exhibit 8 to Plaintiff's Opposition to Defendants' Motion in Limine 3
445	447-9	Exhibit 9 to Plaintiff's Opposition to Defendants' Motion in Limine 3
445	447-10	Exhibit 10 to Plaintiff's Opposition to Defendants' Motion in Limine 3
445	447-11	Exhibit 11 to Plaintiff's Opposition to Defendants' Motion in Limine 3
449	451	Plaintiff's Opposition to Defendants' Motion in Limine 4
449	451-2	Exhibit 2 to Plaintiff's Opposition to Defendants' Motion in Limine 4
453	455	Plaintiff's Opposition to Defendants' Motion in Limine 5
453	455-2	Exhibit 2 to Plaintiff's Opposition to Defendants' Motion in Limine 5
457	460	Plaintiff's Opposition to Defendants' Motion to Exclude Becker
457	460-1	Exhibit 1 to Plaintiff's Opposition to Defendants' Motion to Exclude Becker
457	460-4	Exhibit 4 to Plaintiff's Opposition to Defendants' Motion to Exclude Becker
457	460-11	Exhibit 11 to Plaintiff's Opposition to Defendants' Motion to Exclude Becker
462	464	Plaintiff's Opposition to Defendants' Motion to Exclude Frieder
462	464-1	Ex. 1 to Plaintiff's Opposition to Defendants'

		Motion to Exclude Frieder
462	464-5	Ex. 5 to Plaintiff's Opposition to Defendants' Motion to Exclude Frieder
508	511	Defendants' Opposition to Plaintiff's Motion to Exclude Ungar
508	512-10	Exhibit 10 to Defendants' Opposition to Plaintiff's Motion to Exclude Ungar
517	522-9	Exhibit I to Ghaussy Declaration in Support of Defendants' Opposition to Plaintiff's Second Motion for Sanctions
517	522-10	Exhibit J to Ghaussy Declaration in Support of Defendants' Opposition to Plaintiff's Second Motion for Sanctions
517	523	Kammerud Declaration in Support of Defendants' Opposition to Plaintiff's Third Motion for Sanctions
517	523-1	Exhibit L to Kammerud Declaration in Support of Defendants' Opposition to Plaintiff's Third Motion for Sanctions
517	523-3	Exhibit N to Kammerud Declaration in Support of Defendants' Opposition to Plaintiff's Third Motion for Sanctions
524	528-1	Exhibit 34 to Defendants' Reply in Support of Motion for Summary Judgment
567	568	Plaintiff's Reply in Support of Motion to Exclude Ugone

4. Additionally, per the parties' representations in their Response, the parties are directed to deliver electronic (on a CD-ROM) and hard copies of the following, lesser redacted materials to Chambers by Friday, February 22, 2013:

<b>Docket Number of Motion to Be Ruled Upon</b>	<b>Docket Number of Document at Issue</b>	<b>Document Description</b>
280	278-7, 362	Exhibit 7 to Plaintiff's Memorandum in Support of Second motion for Sanctions
289, 368 (Corrected D.N. 285)	283-1, 369	Exhibit 1 to Plaintiff's Memorandum in Support of Third Motion for Sanctions
289, 368 (Corrected D.N. 285)	283-6, 372	Exhibit 6 to Plaintiff's Memorandum in Support of Third Motion for Sanctions
289, 368 (Corrected D.N. 285)	283-7, 373	Exhibit 7 to Plaintiff's Memorandum in Support of Third Motion for Sanctions

296	310-10, 384	Exhibit J to Defendants' Memorandum in Support of Motion in Limine 3
312	315-3, 416	Exhibit 3 to Plaintiff's Memorandum in Support of Motion in Limine 3
316	320, 385	Defendants' Memorandum in Support of Motion to Exclude Becker
316	323-1, 386	Exhibit 1 to O'Brien Declaration in Support of Defendants' Motion to Exclude Becker
324	328, 375	Defendants' Memorandum in Support of Motion to Exclude Frieder
324	329-2, 377	Exhibit B to Defendants' Memorandum in Support of Motion to Exclude Frieder
331	334, 417	Plaintiff's Motion in Limine 2
331	334-1, 418	Exhibit 1 to Plaintiff's Motion in Limine 2
331	334-2, 419	Exhibit 2 to Plaintiff's Motion in Limine 2
338	341-1, 421	Exhibit 1 to Plaintiff's Motion to Exclude Ugone
338	341-2, 422	Exhibit 2 to Plaintiff's Motion to Exclude Ugone
425	427	Memorandum in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-2	Exhibit 3 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-2	Exhibit 4 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-2	Exhibit 5 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-2	Exhibit 8 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-5	Exhibit 19 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-5	Exhibit 11 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-5	Exhibit 14 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-5	Exhibit 17 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-5	Exhibit 18 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-8	Exhibit 22 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-8	Exhibit 23 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-8	Exhibit 24 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-11	Exhibit 27 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment

425	427-11	Exhibit 29 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
425	427-27	Exhibit 54 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment
441	443	Plaintiff's Opposition to Defendants' Motion in Limine 2
441	443-1	Exhibit 1 to Plaintiff's Opposition to Defendants' Motion in Limine 2
441	443-2	Exhibit 2 to Plaintiff's Opposition to Defendants' Motion in Limine 2
449	451-1	Exhibit 1 to Plaintiff's Opposition to Defendants' Motion in Limine 4
457	460-5	Exhibit 5 to Plaintiff's Opposition to Defendants' Motion to Exclude Becker
457	460-7	Exhibit 7 to Plaintiff's Opposition to Defendants' Motion to Exclude Becker
462	464-2	Exhibit 2 to Plaintiff's Opposition to Defendants' Motion to Exclude Frieder
465	466	Defendants' Opposition to Plaintiff's Motion to Exclude Ugone
465	468-4	Exhibit D to Defendants' Opposition to Plaintiff's Motion to Exclude Ugone
465	468-5	Exhibit E to Defendants' Opposition to Plaintiff's Motion to Exclude Ugone
508	512-12	Exhibit 12 to Declaration of Howard Chen in Support of Defendants' Opposition to Plaintiff's Motion to Exclude Ungar
517	522-7	Exhibit G to Ghaussy Declaration in Support of Defendants' Opposition to Plaintiff's Second Motion for Sanctions
517	521	Defendants' Opposition to Plaintiff's Third Motion for Sanctions
517	523-2	Exhibit M to Kammerud Declaration in Support of Defendants' Opposition to Plaintiff's Third Motion for Sanctions
517	523-4	Exhibit O to Kammerud Declaration in Support of Defendants' Opposition to Plaintiff's Third Motion for Sanctions
517	523-5	Exhibit P to Kammerud Declaration in Support of Defendants' Opposition to Plaintiff's Third Motion for Sanctions
517	523-6	Exhibit Q to Kammerud Declaration in Support of Defendants' Opposition to Plaintiff's Third Motion for Sanctions
524	527	Defendants' Reply in Support of Motion for Summary Judgment

561	571-1	Exhibit I to Defendants' Reply in Support of Motion to Exclude Frieder
567	569-1	Exhibit 1 to Plaintiff's Reply in Support of Motion to Exclude Ugone
567	569-2	Exhibit 2 to Plaintiff's Reply in Support of Motion to Exclude Ugone
647	651-2	Exhibit 2 to Plaintiff's Reply in Support of Third Motion for Sanctions
684	686-1	Exhibit 1 to Plaintiff's Opposition to Defendants' Motion to Dismiss Claims against AOL, Gannett, IAC, and Target
684	686-4	Exhibit 4 to Plaintiff's Opposition to Defendants' Motion to Dismiss Claims against AOL, Gannett, IAC, and Target

The Court will review the lesser redacted documents and decide whether each should be substituted in the place of the originally filed, proposed sealed material to which each relates. Thereafter, the Court will instruct the Clerk and the parties to substitute the appropriate documents.

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

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

\_\_\_\_\_  
United States District Court  
Eastern District of Virginia

**WE ASK FOR THIS:**

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