

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.)		
_____)		

**MEMORANDUM IN SUPPORT OF MOTION TO SEAL
I/P ENGINE’S NOTICE OF CALCULATION OF SUPPLEMENTAL DAMAGES,
PREJUDGMENT INTEREST AND POST-JUDGMENT INTEREST**

In support of its Motion to Seal pursuant to Local Rule 5, Plaintiff I/P Engine, Inc. (“I/P Engine”) states the following:

1. I/P Engine moves the Court for leave to file under seal its Notice Of Calculation Of Supplemental Damages, Prejudgment Interest And Post-Judgment Interest. The aforementioned contains information that is marked as confidential by Defendants under the Protective Order entered in this matter on January 23, 2012 (D.I. No. 85) (“Protective Order”).

2. There are three requirements for sealing court findings: (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)). I/P Engine’s Notice Of Calculation Of Supplemental Damages, Prejudgment Interest And Post-Judgment Interest contains information that is marked by Defendants as confidential. An in camera copy

of the afore-mentioned is being provided to the Court. In light of Defendant's representation that this is confidential material under the Protective Order, there appears to be no alternative that appropriately serves Defendants' confidentiality concerns.

3. The information contained in the Notice contains Google's proprietary and confidential information.

4. For the sake of consistency with practices governing the case as a whole, I/P Engine believes its Notice should remain sealed and be treated in accordance with the terms and conditions of the Protective Order.

5. Accordingly, and in satisfaction of the requirements of Local Rule 5, I/P Engine respectfully asks the Court to enter the Proposed Agreed Order sealing its Notice Of Calculation Of Supplemental Damages, Prejudgment Interest And Post-Judgment Interest.

Dated: August 21, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August, 2013, the foregoing **MEMORANDUM IN SUPPORT OF MOTION TO SEAL I/P ENGINE'S NOTICE OF CALCULATION OF SUPPLEMENTAL DAMAGES, PREJUDGMENT INTEREST AND POST-JUDGMENT INTEREST**, was served via the Court's CM/ECF system, on the following:

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