UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA NORFOLK DIVISION

I/P ENGINE, INC.,)	
v.	Plaintiff,)))	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

By: /s/ Jeffrey K. Sherwood

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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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