

1 KEKER & VAN NEST LLP  
 ROBERT A. VAN NEST - # 84065  
 2 rvannest@kvn.com  
 CHRISTA M. ANDERSON - # 184325  
 3 canderson@kvn.com  
 DANIEL PURCELL - # 191424  
 4 dpurcell@kvn.com  
 633 Battery Street  
 5 San Francisco, CA 94111-1809  
 Telephone: 415 391 5400  
 6 Facsimile: 415 397 7188

KING & SPALDING LLP  
 DONALD F. ZIMMER, JR. - #112279  
 fzimmer@kslaw.com  
 CHERYL A. SABNIS - #224323  
 csabnis@kslaw.com  
 101 Second Street, Suite 2300  
 San Francisco, CA 94105  
 Tel: 415.318.1200  
 Fax: 415.318.1300

7 KING & SPALDING LLP  
 SCOTT T. WEINGAERTNER  
 8 (Pro Hac Vice)  
 sweingaertner@kslaw.com  
 9 ROBERT F. PERRY  
 rperry@kslaw.com  
 10 BRUCE W. BABER (Pro Hac Vice)  
 1185 Avenue of the Americas  
 11 New York, NY 10036  
 Tel: 212.556.2100  
 12 Fax: 212.556.2222

IAN C. BALLON - #141819  
 ballon@gtlaw.com  
 HEATHER MEEKER - #172148  
 meekerh@gtlaw.com  
 GREENBERG TRAUIG, LLP  
 1900 University Avenue  
 East Palo Alto, CA 94303  
 Tel: 650.328.8500  
 Fax: 650.328.8508

13 Attorneys for Defendant  
 14 GOOGLE INC.

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

18 ORACLE AMERICA, INC.,  
 19 Plaintiff,  
 20 v.  
 21 GOOGLE INC.,  
 22 Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF DAVID ZIMMER IN  
 SUPPORT OF ADMINISTRATIVE  
 MOTION TO SEAL PORTIONS OF  
 GOOGLE'S OPPOSITION TO ORACLE'S  
 RENEWED MOTION TO STRIKE  
 PORTIONS OF DR. JAMES KEARL'S  
 EXPERT REPORT**

Dept.: Courtroom 8, 19<sup>th</sup> Floor  
 Judge: Hon. William Alsup

1 I, DAVID ZIMMER, declare as follows:

2 1. I am an associate with the law firm of Kecker & Van Nest LLP, counsel to Google  
3 Inc. (“Google”) in the present case. I submit this declaration in support of Google’s  
4 Administrative Motion to Seal Portions of its Opposition to Oracle America, Inc.’s (“Oracle”)  
5 Renewed Motion to Strike Portions of Dr. James Kearl’s Expert Report. I have knowledge of the  
6 facts set forth herein, and if called to testify as a witness thereto could do so competently under  
7 oath.

8 2. The redacted portions of Google’s Opposition to Oracle’s Renewed Motion to  
9 Strike Portions of Dr. James Kearl’s Expert Report expressly disclose or would allow others to  
10 easily deduce Google’s sensitive, non-public financial data, such as costs, revenues, and profits,  
11 as well as projected costs, revenues, and profits, associated with Android. It also contains  
12 sensitive, non-public information about Google’s financial management practices and  
13 methodologies. This includes the redacted material at: 1:1, 2:23-28, 3:1-2, and 3:20-28 of the  
14 Opposition. Public release of this information would cause great and undue harm to Google.

15 3. The redacted portions of Exhibit A of the Declaration of Daniel Purcell in Support  
16 of Google’s Opposition to Oracle’s Renewed Motion to Strike Portions of Dr. James Kearl’s  
17 Expert Report. Exhibit A contains excerpts from the deposition of Google executive Andy Rubin  
18 regarding Android financial documentation and accounting procedures and contains sensitive,  
19 non-public information about Google’s financial management practices and methodologies.  
20 Public release of this information would cause great and undue harm to Google.

21 I declare under penalty of perjury that the foregoing is true and correct and that this  
22 declaration was executed at San Francisco, California on May 1, 2012.

23  
24 By:  /s/ David Zimmer  
25 DAVID ZIMMER  
26  
27  
28