

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 ORACLE AMERICA,
 INC.'S ADMINISTRATIVE MOTION TO
 FILE UNDER SEAL EXHIBITS TO
 MEREDITH DEARBORN'S
 DECLARATION IN SUPPORT OF
 ORACLE AMERICA, INC.'S MOTION TO
 EXCLUDE PORTIONS OF THE RULE
 706 EXPERT REPORT OF DR. JAMES
 KEARL [DKT NO. 1036]**

Dept.: Courtroom 8, 19th 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 Oracle America, Inc.’s
4 Administrative Motion to File Under Seal Exhibits to Meredith Dearborn’s Declaration in
5 Support of Oracle America, Inc.’s Motion to Exclude Portions of the Rule 706 Expert Report of
6 Dr. James Kearl [Dkt. No1036]. I have knowledge of the facts set forth herein, and if called to
7 testify as a witness thereto could do so competently under oath.

8 2. Certain of the redacted portions of Oracle’s Motion to Exclude Portions of the
9 Rule 706 Expert Report of Dr. James R. Kearl [Dkt. No. 1037] contain sensitive, non-public
10 information about Google’s financial management practices and methodologies. This includes
11 the redacted material at: 4:9-10, 4:13-17, 4:21-23, 5:4-11, 5:15-23, 5:25-28, 6:1-14, 6:16-26,
12 7:10-11, and 7:13-18. Public release of this information would cause great and undue harm to
13 Google. The Court has previously granted Google’s request to seal this information. *See, e.g.*,
14 Dkt. No. 1056. These selections should therefore be filed under seal.

15 3. Exhibit A to the Declaration of Meredith Dearborn In Support of Oracle America,
16 Inc.’s Motion to Exclude Portions of the Rule 706 Expert Report of Dr. James Kearl (“Dearborn
17 Decl.”) [Dkt. No. 1038] contains a short selection from the Expert Report of Dr. Alan J. Cox.
18 This selection includes Google’s sensitive, non-public financial data, such as costs, revenues, and
19 profits associated with Android. Public release of this information would cause great and undue
20 harm to Google. The Court has previously granted Google’s request to file under seal similar
21 selections from Dr. Cox’s report, *see, e.g.*, Dkt. No. 935, as well as this type of financial
22 information more generally, *see, e.g.*, Dkt. No. 1056. This exhibit should therefore be filed under
23 seal in its entirety.

24 4. Exhibit B to the Dearborn Decl. contains selections from the deposition of Andy
25 Rubin regarding Google’s accounting practices. Certain parts of Exhibit B contain sensitive, non-
26 public information about Google’s financial management practices and methodologies. This
27 includes the material at 8:5-9:5, 10:20-12:9, 13:3-15:12, 16:8-25, 21:2-24, 22:7-10, 22:15-17,
28 22:24-24:25, 29:5-32:25, 49:1-56:25, 61:1-4, 61:13-64:16, and 73:1-76:1. Public release of this

1 information would cause great and undue harm to Google. The Court has previously granted
2 Google's request to seal this information. *See, e.g.*, Dkt. No. 1056. These selections should
3 therefore be filed under seal.

4 I declare under penalty of perjury that the foregoing is true and correct and that this
5 declaration was executed at San Francisco, California on May 8, 2012.

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By: /s/ David Zimmer
DAVID ZIMMER