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 GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.
 Plaintiff,
 v.
 GOOGLE INC.
 Defendant.

Case No. 3:10-cv-03561-WHA
 Honorable Judge William Alsup

**SUPPLEMENTAL DECLARATION OF
 SCOTT T. WEINGAERTNER IN
 SUPPORT OF DEFENDANT GOOGLE
 INC.’S ADMINISTRATIVE MOTION TO
 FILE UNDER SEAL (DKT. NO. 170)**

1 I, Scott T. Weingaertner, declare as follows:

2 I am a partner in the law firm of King & Spalding LLP, counsel to Google Inc. in the
3 present case. Pursuant to the Court's Order Partially Granting Motion to File Documents Under
4 Seal (Dkt. No. 186), I submit this supplemental declaration in support of Defendant Google
5 Inc.'s Administrative Motion to File Under Seal (Dkt. No. 170). I make this declaration based
6 on my own personal knowledge. If called as a witness, I could and would testify competently to
7 the matters set forth herein.

8 1. Portions of Google Inc.'s Brief in Support of Daubert Motion (e.g., 5:8-17, 5:28-
9 6:1, 6:5-8, 6:10-17, 6:20-23, 13:24-28, 17:6-13, 18:22-23, 18:25-27, 19:4-9, 19:19, 19:22-20:2,
10 20:12-15, 21:28-22:2, 22:16-21, 23:1-8, and 23:26-24:3) are to be filed under seal pursuant to the
11 Order Approving Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68)
12 governing this case because they contain information that has been designated Confidential or
13 Highly Confidential - Attorneys' Eyes Only by Oracle America, Inc. *See* Declaration of
14 Matthew Sarboraria in Response to Google's Administrative Motion to Seal (Dkt. No. 184), at
15 ¶ 13.

16 2. Portions of the Declaration of Gregory K. Leonard, Ph.D. (e.g., portions of ¶¶ 16
17 and 20, and footnotes 2 and 3) are to be filed under seal pursuant to the Order Approving
18 Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68) governing this case
19 because they contain information that has been designated Confidential or Highly Confidential -
20 Attorneys' Eyes Only by Oracle America, Inc. *See* Declaration of Matthew Sarboraria in
21 Response to Google's Administrative Motion to Seal (Dkt. No. 184), at ¶ 13.

22 3. Portions of footnote 6 of the Declaration of Gregory K. Leonard, Ph.D. are to be
23 filed under seal pursuant to the Order Approving Stipulated Protective Order Subject to Stated
24 Conditions (Dkt. No. 68) governing this case because they contain the names of companies with
25 which Google had technology partnership discussions. Disclosure of the identities of Google's
26 potential and actual business partners, which Google does not share publicly during the normal
27 course of business, would cause great and undue harm to Google's business.

28 4. Portions of footnotes 10 and 16 of the Declaration of Gregory K. Leonard, Ph.D.

1 are to be filed under seal pursuant to the Order Approving Stipulated Protective Order Subject to
2 Stated Conditions (Dkt. No. 68) governing this case because they contain references to Google's
3 internal proprietary metrics and statistics. Google considers its internal metrics to be highly
4 confidential business information and does not disclose them to the public during the normal
5 course of business. Disclosure of its internal proprietary metrics and statistics would cause great
6 and undue harm to Google's business.

7 5. Portions of ¶ 27 of the Declaration of Gregory K. Leonard, Ph.D. are to be filed
8 under seal pursuant to the Order Approving Stipulated Protective Order Subject to Stated
9 Conditions (Dkt. No. 68) governing this case because they contain per device revenue estimates
10 that reveal and are based on highly confidential financial information of Google Inc. Disclosure
11 of this highly sensitive financial information would cause great and undue harm to Google's
12 business.

13 I declare under penalty of perjury that the foregoing facts are true and correct.

14 Executed on June 24, 2011 in New York, New York.

15
16 /s/ Scott T. Weingaertner /s/

17 Scott T. Weingaertner

18 I hereby attest that Scott T. Weingaertner concurs in the filing of this document.

19 /s/ Cheryl A. Sabnis /s/

20 Cheryl A. Sabnis
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