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12 Attorneys for Defendant
 13 GOOGLE INC.

14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION

19 ORACLE AMERICA, INC.,
 20 Plaintiff,
 21 v.
 22 GOOGLE INC.,
 23 Defendant.
 24

Case No. 3:10-cv-03561 WHA
**DECLARATION OF CHRISTOPHER
 CARNAVAL IN RESPONSE TO ORACLE
 AMERICA, INC.'S ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL**

1 I, Christopher Carnaval, declare as follows:

2 I am an associate in the law firm of King & Spalding LLP, counsel to Google Inc.
3 (“Google”) in the present case. I submit this declaration in response to Oracle America, Inc.’s
4 Administrative Motion to File Under Seal (Dkt. No. 192). I make this declaration based on my
5 own personal knowledge. If called as a witness, I could and would testify competently to the
6 matters set forth herein.

7 1. I have reviewed Oracle America, Inc.’s Opposition to Google’s *Daubert* Motion
8 (Dkt. No. 191) and the Declaration of Fred Norton in Support of Oracle America, Inc.’s
9 Opposition to Google’s *Daubert* Motion (“Norton Declaration”) (Dkt. No. 191-1.)

10 2. Google believes that Exhibits C, D, K and M, which Oracle America, Inc.
11 (“Oracle”) attaches to the Norton Declaration, and the references to confidential portions of these
12 materials currently redacted in Oracle’s Brief as set forth below should be filed under seal.
13 These materials either are or reference materials properly designated Confidential or Highly
14 Confidential - Attorneys’ Eyes Only pursuant to the Order Approving Stipulated Protective
15 Order Subject to Stated Conditions entered in this case (Dkt. No. 68).

16 3. Exhibit C, and references to confidential portions of Exhibit C currently redacted
17 in Oracle’s Brief (e.g., 2:5-:7, 9:8-:9, 14:23-:25), are to be filed under seal pursuant to the Order
18 Approving Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68) governing this
19 case because they refer to a highly confidential business deal review presentation intended for
20 high-level Google executives. The presentation in Exhibit C discusses the proposed terms of a
21 potential business deal and reveal a potential business strategy for Android. Disclosure of this
22 information, which Google does not share publicly during the normal course of business, would
23 cause great and undue harm to Google’s business.

24 4. Exhibit D, and references to confidential portions of Exhibit D currently redacted
25 in Oracle’s Brief (e.g., 2:16-:17, 14:23-15:1, footnote 6), are to be filed under seal pursuant to the
26 Order Approving Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68)
27 governing this case because they contain or refer to highly sensitive information concerning
28 internal discussions about licensing and business strategies for Android. Disclosure of Google’s

1 highly sensitive licensing and business strategies, which Google does not share publicly during
2 the normal course of business, would cause great and undue harm to Google's business.

3 5. Exhibit K, and references to confidential portions of Exhibit K currently redacted
4 in Oracle's Brief (e.g., 12:21-:24), are to be filed under seal pursuant to the Order Approving
5 Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68) governing this case
6 because they contain references to confidential business and licensing negotiations involving
7 Google. Disclosure of information concerning its confidential business and licensing
8 negotiations, which Google does not share publicly during the normal course of business, would
9 cause great and undue harm to Google's business.

10 6. Exhibit M, and references to confidential portions of Exhibit M currently redacted
11 in Oracle's Brief (e.g., 22:15-:17), are to be filed under seal pursuant to the Order Approving
12 Stipulated Protective Order Subject to Stated Conditions (Dkt. No. 68) governing this case
13 because they contain or refer to highly sensitive internal discussions concerning technical and
14 business strategies for Android. Disclosure of information concerning highly sensitive technical
15 and business strategies, which Google does not share publicly during the normal course of
16 business, would cause great and undue harm to Google's business.

17 7. Google believes that other currently redacted portions of Oracle's Brief (e.g., 6:1,
18 14:18-15:4, 22:11-:13), which refer to portions of the Expert Report of Dr. Iain M. Cockburn that
19 are based on or reflect materials properly designated by Google as Confidential or Highly
20 Confidential - Attorneys' Eyes Only, should be filed under seal. These materials include highly
21 sensitive financial information concerning Android, as well as highly sensitive discussions of
22 technical, business, and licensing strategies concerning Android.

23 8. Google states no position as to whether disclosure of materials marked by Oracle
24 as Confidential or Highly Confidential - Attorneys' Eyes Only material would cause harm to
25 Oracle.

26 9. In conclusion, Google does not oppose Oracle's Administrative Motion and
27 submits herewith a proposed Order Sealing Google Inc.'s Confidential Information. Disclosure
28 of this material would cause great and undue harm to Google's business.

