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Attorneys for Plaintiff and
Counterclaim-Defendant APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., A
Korean business entity; SAMSUNG
ELECTRONICS AMERICA, INC., a New York
corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC, a
Delaware limited liability company,

Defendants.

Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF
ERICA TIERNEY IN SUPPORT
OF SAMSUNG'S
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER
SEAL**

1 I, Erica Tierney, do hereby declare as follows:

2 1. I am an attorney for Apple Inc. (“Apple”). I submit this declaration in support of
3 Samsung’s Administrative Motion to File Documents Under Seal. I have personal knowledge of
4 the matters set forth below. If called as a witness I could and would testify competently as
5 follows.

6 2. The exhibits to the Supplemental Declaration of Christopher E. Price in Support of
7 Samsung’s Motion to Strike Expert Reports (“Supplemental Price Declaration”), the exhibits to
8 the Corrected Supplemental Declaration of Christopher E. Price in Support of Samsung’s Motion
9 to Strike Expert Reports (“Corrected Supplemental Price Declaration”), the Second Supplemental
10 Declaration of Christopher E. Price in Support of Samsung’s Motion to Strike Expert Reports
11 (“Second Supplemental Price Declaration”) and the exhibits to the Second Supplemental Price
12 Declaration contain information that Apple treats as confidential in the ordinary course of its
13 business and/or that is confidential third party information. Specifically:

14 A. Supplemental Price Declaration Exhibits 1-5 are license agreements
15 between Apple and third parties, which are subject to non-disclosure
16 agreements and contain proprietary information that is highly sensitive and
17 highly confidential to the company and to those third parties. These
18 exhibits should be sealed in their entirety.

19 B. Corrected Supplemental Price Declaration Exhibits 1-5 are license
20 agreements between Apple and third parties, which are subject to non-
21 disclosure agreements and contain proprietary information that is highly
22 sensitive and highly confidential to the company and to those third parties.
23 These exhibits should be sealed in their entirety.

24 C. The Second Supplemental Price Declaration discusses confidential license
25 agreements between Apple and third parties, which are subject to non-
26 disclosure agreements. The documents discussed contain Apple and third
27 party proprietary information that is highly sensitive and highly
28

1 confidential to the company and to those third parties. A proposed redacted
2 copy is attached as Exhibit 1.

3 D. Second Supplemental Price Declaration Exhibit A is a Letter from Peter
4 Kolovos to Diane Hutnyan, which discusses confidential license
5 agreements between Apple and third parties, which are subject to non-
6 disclosure agreements. The documents discussed contain Apple and third
7 party proprietary information that is highly sensitive and highly
8 confidential to the company and to those third parties. A proposed
9 redacted copy is attached as Exhibit 2.

10 E. Second Supplemental Price Declaration Exhibits B-E are license
11 agreements between Apple and third parties, which are subject to non-
12 disclosure agreements and contain proprietary information that is highly
13 sensitive and highly confidential to the company and to those third parties.
14 These exhibits should be sealed in their entirety.

15 3. Apple does not maintain a claim of confidentiality on the Supplemental Price
16 Declaration or the Corrected Supplemental Price Declaration.

17 4. It is Apple's policy not to disclose or describe its license agreements. The
18 information that is described above is confidential to Apple and to various third parties. Apple's
19 license agreements are carefully maintained as business secrets that are not disclosed or leaked to
20 any person outside of Apple. Apple is well known worldwide for its corporate culture of
21 carefully maintaining the confidentiality of its business information. If disclosed, the information
22 in the materials describe above could be used by Apple's competitors to the disadvantage of
23 Apple and/or the third party signatories to the license agreements.

24 5. The relief requested in this motion is necessary and is narrowly tailored to protect
25 confidential information, focusing only on specific exhibits and specific portions of the briefs at
26 issue.

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I declare under the penalty of perjury under the laws of the United States of America that the forgoing is true and correct to the best of my knowledge and that this Declaration was executed this 5th day of June, 2012, at Washington, DC.

Dated: June 5, 2012

By: /S/ Erica Tierney
Erica Tierney

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and correct copy of the above and foregoing document has been
3 served on June 5, 2012 to all counsel of record who are deemed to have consented to electronic
4 service via the Court’s CM/ECF system per Civil Local Rule 5.4. Any other counsel of record
5 will be served by electronic mail, facsimile and/or overnight delivery.
6

7 /s/ Mark D. Selwyn
8 Mark D. Selwyn

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