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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
MARK D. SELWYN IN SUPPORT
OF APPLE'S RENEWED
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER
SEAL**

1 I, Mark D. Selwyn, do hereby declare as follows:

2 1. I am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP
3 and counsel for plaintiff and counterclaim-defendant Apple Inc. (“Apple”). I am familiar with
4 and knowledgeable about the facts stated in this declaration and if called upon could and would
5 testify competently as to the statements made herein.

6 2. In the course of discovery, various third parties have produced documents,
7 including source code and non-public product information, designated as confidential. At various
8 times, the parties have filed motions containing or referencing, either in the body of the motion or
9 as exhibits, certain of these documents..

10 3. Apple’s Renewed Motion to Seal seeks to seal, among other things, documents
11 produced by Intel or Qualcomm with a confidential designation, or information derived from such
12 documents, that have been included as part of Apple’s submissions, at least for sufficient time to
13 allow these third parties to file a motion to seal if they desire to do so.

14 4. Exhibit M to the Declaration of David Hecht in Support of Samsung’s Opposition
15 to Apple’s Motion for Partial Summary Judgment is a declaration from Carl D. Herbert, an
16 employee of Intel. Apple originally filed Exhibit M non-publicly in Korea, and it is marked
17 “Intel Confidential” by Intel.

18 5. Apple’s Motion for Summary Judgment contains information about Intel baseband
19 processors based on documents and source code produced by Intel in this action and in ITC Inv.
20 No. 337-794 that Intel designated as confidential. A proposed redacted version of this exhibit is
21 attached in highlighted form as **Exhibit 1**.

22 6. Exhibit 4 to the Selwyn Declaration in Support of Apple’s Motion for Summary
23 Judgment is an excerpt from the Expert Report of Richard D. Wesel, an expert retained by
24 Samsung. Paragraphs 53, 57, 59, 61, 65-69, 74-75, 87-91, and 93 appear to contain information
25 about Intel’s products and source code that Intel designated as confidential and paragraph 54
26 contains information about Qualcomm’s products that Qualcomm designated as confidential. A
27 proposed redacted version of this exhibit is attached in highlighted form as **Exhibit 2**.

28

1 7. Exhibit 5 to the Selwyn Declaration in Support of Apple’s Motion for Summary
2 Judgment is an excerpt from the deposition transcript of Richard D. Wesel, an expert retained by
3 Samsung. Pages 113-117 and 165-166 appear to contain information about Intel’s products and
4 source code that Intel may consider confidential. A proposed redacted version of this exhibit is
5 attached in highlighted form as **Exhibit 3**.

6 8. Exhibit 7 to the Selwyn Declaration in Support of Apple’s Motion for Summary
7 Judgment is the Expert Report of Wayne Stark Regarding Non-Infringement of U.S. Patent
8 Number 7,362,867. Paragraphs 26-31, 38-39, 52-56, 58, 65-67, 72-76, and 85-87 contain
9 information about Intel baseband processors based on documents and source code produced by
10 Intel in this action and in ITC Inv. No. 337-794 that Intel designated as confidential. A proposed
11 redacted version of this exhibit is attached in highlighted form as **Exhibit 4**.

12 9. Apple’s Reply in Support of its Motion for Summary Judgment contains
13 information about Intel baseband processors based on documents and source code produced by
14 Intel in this action and in ITC Inv. No. 337-794 that Intel designated as confidential.. A proposed
15 redacted version of this exhibit is attached in highlighted form as **Exhibit 5**.

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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 24th day of July 2012, at Palo Alto, California.

Dated: July 24, 2012

By: /s/ Mark D. Selwyn
Mark D. Selwyn

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on July 24, 2012 to all counsel of record who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Mark D. Selwyn
Mark D. Selwyn