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 INTERDIGITAL TECHNOLOGY  
 CORPORATION and  
 8 INTERDIGITAL COMMUNICATIONS LLC

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

13	APPLE, INC., a California Corporation,	)	CASE NO.: 11-CV-01846-LHK
14	Plaintiff,	)	
15	v.	)	DECLARATION OF LAWRENCE F. SHAY IN SUPPORT OF
16	SAMSUNG ELECTRONICS CO., LTD., a	)	EMERGENCY MOTION BY NON-
17	Korean corporation; SAMSUNG	)	PARTIES INTERDIGITAL
18	ELECTRONICS AMERICA, INC., a New York	)	COMMUNICATIONS, LLC AND
19	corporation; SAMSUNG	)	INTERDIGITAL TECHNOLOGY
20	TELECOMMUNICATIONS AMERICA, LLC, a	)	CORPORATION FOR AN ORDER
21	Delaware limited liability company,	)	CLOSING THE COURTROOM AND
22	Defendants.	)	SEALING THE TRANSCRIPT
23		)	DURING DISCUSSION OF
24		)	INTERDIGITAL'S CONFIDENTIAL
25		)	INFORMATION
26		)	
27		)	Date: Expedited Request
28		)	Courtroom: 8, 4th Floor
		)	Judge: Lucy H. Koh

25 I, Lawrence F. Shay, declare as follows:  
 26 1. I am the Executive Vice-President, Intellectual Property, and Chief Intellectual  
 27 Property Counsel for InterDigital Communications, LLC (successor to InterDigital  
 28

1 Communications Corporation) and the President of InterDigital Technology Corporation  
2 (collectively, “InterDigital”), which are non-parties to the above-captioned actions. I have  
3 personal knowledge of the facts stated herein.

4           2.       I understand that, in connection with above captioned case, Samsung has  
5 indicated that it intends to use at trial documents that contain InterDigital confidential business  
6 information —namely, (a) a Patent License and Settlement Agreement entered into as of  
7 November 24, 2008, between Samsung and InterDigital (the “Samsung–InterDigital PLA”) –  
8 included in Trial Exhibit 77; (b) a table summarizing key terms of the Samsung–InterDigital  
9 PLA, attached as Exhibit 3A to Samsung’s Expert Report of David Teece, dated March 22, 2012  
10 – included in Trial Exhibit 630; and (c) a table summarizing key terms of the Wireless Patent  
11 License Agreement between Apple Inc. and InterDigital (the “Apple–InterDigital PLA”),  
12 attached as Exhibit 3B to Samsung’s Expert Report of David Teece, dated March 22, 2012 –  
13 included in Trial Exhibit 630. I will refer to these documents collectively as “InterDigital  
14 Confidential Documents.”

15           3.       The InterDigital Confidential Documents contain sensitive, confidential  
16 InterDigital business information, including (i) specific, non-public terms of the Samsung –  
17 InterDigital PLA (including terms pertaining to schedule of payments, licensed wireless  
18 standards, and excluded licensed wireless standards); (ii) specific, non-public terms of the Apple  
19 – InterDigital PLA (including terms related to the monetary consideration and licensed wireless  
20 standards); and (iii) information concerning InterDigital’s licensing strategies and negotiations  
21 with Samsung, Apple, and other third parties.

22           4.       InterDigital has publicly filed a *redacted* version of the Samsung – InterDigital  
23 PLA with the United States Securities and Exchange Commission (“SEC”). However, the  
24 version of the PLA that Samsung has included in Trial Exhibit 77 is unredacted and contains  
25 sensitive, confidential information that is not contained in, and was properly redacted from, the  
26 publicly available version filed with the SEC.

