

1 KIMBERLY K. DODD, CA Bar No. 235109, kdodd@foley.com
FOLEY & LARDNER LLP
 ATTORNEYS AT LAW
 2 777 EAST WISCONSIN AVENUE
 MILWAUKEE, WI 53202-5306
 3 TELEPHONE: 414.271.2400
 FACSIMILE: 414.297.4900
 4 ATTORNEYS FOR THIRD PARTY TOSHIBA CORPORATION
 5
 6
 7

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

11 APPLE INC., a California Corporation

Case No: 11-cv-01846-LHK

12 Plaintiff,

13 v.

**DECLARATION OF KIMBERLY K.
 DODD IN SUPPORT OF TOSHIBA
 CORPORATION'S EMERGENCY
 ADMINISTRATIVE MOTION TO FILE
 DOCUMENTS UNDER SEAL**

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

Judge: The Honorable Lucy H. Koh

18 Defendants.
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 I, Kimberly K. Dodd, declare as follows:

2 1. I am an attorney at the law firm of Foley & Lardner LLP. We represent Toshiba
3 Corporation for purposes of this emergency motion.

4 2. I submit this declaration pursuant to Civil L.R. 7-11(a) in support of Toshiba's
5 emergency administrative motion to seal documents.

6 3. Melissa Dalziel, counsel for Samsung, sent an e-mail to several third parties
7 yesterday, July 25, regarding the issue of sealing trial exhibits in the above-captioned action.
8 Ms. Dalziel indicated that Samsung is willing to enter into a stipulation to seal trial exhibits
9 disclosing confidential information similar to the information that is the subject of Toshiba's
10 emergency administrative motion to seal. Ms. Dalziel indicated that Samsung would be meeting
11 with Apple later in the day, and that she would let everyone know if Samsung reached an
12 agreement with Apple on this issue.

13 4. I called Ms. Dalziel this morning to determine if Samsung and Apple reached a
14 resolution on this issue. Ms. Dalziel did not answer her phone, so I left a voicemail message for
15 her. Ms. Dalziel left a voicemail message in return for me indicating that Apple and Samsung
16 have not yet reached a resolution on how to deal with this issue.

17 5. It is our understanding that the Court is conducting a pretrial conference for this
18 case tomorrow, July 27, and that the trial starts on Monday, July 30. Given this timeframe,
19 Toshiba had no choice but to file the present motion without waiting for Samsung and Apple to
20 further negotiate this issue.

21 I declare under penalty of perjury that the foregoing is true and correct.

22

23 Executed on July 26, 2012.

/s/ Kimberly K. Dodd

Kimberly K. Dodd

24

25

26

27

28