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 12 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

17
 18 APPLE INC., a California corporation,
 19 Plaintiff,
 20 v.
 21 SAMSUNG ELECTRONICS CO., LTD., a
 22 Korean business entity; SAMSUNG
 23 ELECTRONICS AMERICA, INC., a New York
 24 corporation; SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company,
 25 Defendants.

Case No. 11-cv-01846-LHK (PSG)
**DECLARATION OF MARK D.
 SELWYN IN SUPPORT OF
 APPLE'S CORRECTED
 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 Corrected Renewed Motion to Seal seeks to seal, among other things,
11 documents produced by Intel or Qualcomm with a confidential designation, or information
12 derived from such documents, that have been included as part of Apple’s submissions, at least for
13 sufficient time to 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**.

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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 27th day of July 2012 at Palo Alto, California.

Dated: July 27, 2012

/s/ Mark D. Selwyn
Mark D. Selwyn

