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| 6      | Attorneys for NON-PARTY   |   |  |
| 7      | Siemens AG  |   |  |
| 8      | UNITED STATES DISTRICT COURT  |   |  |
| 9      | NORTHERN DISTRICT OF CALIFORNIA   |   |  |
| 10     | San Jose Division   |   |  |
| 11     | APPLE INC., a California corporation,   | No.: 11-cv-01846-LHK (PSG)                                    |  |
| 12     | Plaintiff,  | DECLARATION OF JOHN P. BOVICH IN                              |  |
| 13     | VS.   | SUPPORT OF NON-PARTY SIEMENS<br>AG'S ADMINISTRATIVE MOTION TO |  |
| 14     | SAMSUNG ELECTRONICS CO., LTD., a  | SEAL  |  |
| 15     | Korean corporation; SAMSUNG<br>ELECTRONICS AMERICA, INC., a New York  | Honorable Lucy H. Koh   |  |
| 16     | corporation; and SAMSUNG<br>TELECOMMUNICATIONS AMERICA, LLC, a  |   |  |
| 17     | Delaware limited liability company,   |   |  |
| 18     | Defendants.   |   |  |
| 19     |   |   |  |
| 20     | I, John P. Bovich, declare and state as follows:  |   |  |
| 21     | 1. I am an attorney with Reed Smith LLP, counsel for non-party Siemens AG   |   |  |
| 22     | ("Siemens"). I have personal knowledge of the facts stated in this Declaration and, if called as a  |   |  |
| 23     | witness, could and would competently testify to them.   |   |  |
| 24     | 2. On July 21, 2012, Siemens received the letter attached hereto as Exhibit A from trial  |   |  |
| 25     | counsel for Samsung Electronic Co. LTD. ("Samsung"), concerning Trial Exhibit 77: the Siemens   |   |  |
| 26     | Patent License Agreement ("the Agreement") and the summary of same (enclosures omitted).  |   |  |
| 27     |   |   |  |
| 28     |   |   |  |
|        | $\frac{\text{Case No. 11-cv-01846-LHK (PSG)} - 1 - \text{US}_{\text{ACTIVE-110178154.1}}}{\text{DECLARATION OF JOHN P. BOVICH IN SUPPORT OF NON-PARTY SIEMENS AG'S ADMINISTRATIVE}$ |   |  |

ECLARATION OF JOHN P. BOVICH IN SUPPORT OF NON-PARTY SIEMENS AG'S ADMINISTRATIVE MOTION TO SEAL

3. On Saturday, July 28, 2012, I spoke to John Steiger, outside attorney for Samsung, and proposed that Samsung agree to submit redacted versions of the Agreement and the summary for consideration by the Court and/or jury.

4. This would have protected Siemens' interest by preventing the disclosure of Siemens' highly sensitive licensing terms. It also would have mooted the need for a separate motion to seal by Siemens.

5. On Sunday, July 29, 2012, I spoke with Melissa Dalziel, another outside attorney for Samsung. She informed me that Samsung would not agree to the proposal because Samsung did not want to treat Siemens differently from other intervening non-parties or take on the burden resubmitting Trial Exhibit 77 with the appropriate redactions. She suggested that Siemens file its own administrative motion to seal.

6. A true and correct copy of excerpts from the Court's July 27, 2012 hearing are attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 30, 2012.

<u>/s/ John P. Bovich</u> John P. Bovich

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