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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 corporation; SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation; and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF BETH
KELLERMANN IN SUPPORT OF
APPLE'S MOTION TO SEAL TRIAL
EXHIBITS**

1 I, Beth Kellermann, hereby declare as follows:

2 1. I am an employee of Apple Inc. ("Apple"). My title is Litigation eDiscovery
3 Manager for Apple. As part of my role, I am very familiar with Apple's efforts to ensure that its
4 source code is not disclosed outside of a select group of individuals at Apple. I submit this
5 declaration in support of Apple's Renewed Motion to Seal Trial Exhibits. I have personal
6 knowledge of the matters set forth below. If called as a witness I could and would competently
7 testify as follows.

8 2. I have been employed at Apple since October 2007. Prior to joining Apple, I
9 worked at Littler Mendelson, with a focus on litigation support and electronic discovery. I
10 received a Bachelor's degree in Economics from Oklahoma State University.

11 3. In my current capacity at Apple, my responsibilities include managing e-discovery
12 in litigation. Part of my responsibilities include maintaining the security and secrecy of Apple's
13 source code.

14 4. As is discussed in the declaration of Henri Lamiroux, Apple source code is
15 provided the highest level of protection and security within Apple.

16 5. Recognizing the sensitivity of source code, the Protective Order operative in this
17 case (Dkt. 687) contains numerous safeguards to protect the confidentiality of the Parties' source
18 code and maintain its confidential, trade-secret status. These protections include a prosecution
19 bar on patent attorneys who may review Apple's source code. Moreover, source code in this case
20 has been securely stored under lock and key at the offices of Apple's counsel. The computers
21 that contain the source code are kept in locked specialized polypropylene copolymer pelican cases
22 and are further secured in a locked safe when not being inspected. When source code is made
23 available for inspection, the Protective Order requires that the code be made available only in a
24 "secure room, on at least two secured, stand-alone computers (running a reasonably current
25 operating system) per software platform produced, without Internet access or network access to
26 other computers, as necessary and appropriate to prevent and protect against any unauthorized
27 copying, transmission, removal, or other transfer of any Source Code outside or away from the
28 computer on which the Source Code is provided for inspection..." (Dkt. 687 at 15.) The robust

1 methods provided by the Protective Order and agreed to by the parties reflect the high-degree of
2 importance Apple maintains for maintaining its most valuable trade secrets.

3 6. Outside of litigation, third parties are not typically granted any access to these
4 source code files. In the rare instances in which third parties are granted access to certain source
5 code files (on a need to know basis only), Apple insists that access be conditioned on agreement
6 not to make electronic copies of them and restricting the number of hard copies that may be
7 made. Apple also insists that the third parties maintain the source code files in a secure site and
8 limit the number of persons entitled to view them.

9 7. Apple's restrictions on access to its source code by third parties and its employees
10 are especially necessary because the electronic nature of source code renders the code easily
11 copied.

12 8. The specific portions of Apple source code which we are asking this Court to seal
13 have always been non-public, were produced pursuant to the Protective Order operative in this
14 case and their exposure would cause Apple to lose significant competitive advantage.

15 9. Plaintiff's Exhibit 121 is a collection of four (4) Apple iOS source code files.
16 Apple considers these source code files to be trade secrets. Public disclosure of this information
17 would be extremely harmful to Apple to for the reasons described above.

18 10. Defendant's Exhibit 645 is a collection of one hundred sixty-nine (169) Apple iOS
19 source code files. Apple considers these source code files to be trade secrets. Public disclosure
20 of this information would be extremely harmful to Apple to for the reasons described above. To
21 my knowledge, with the exception of part of source code file AVPlayer.h and source code files
22 MFMailComposeViewController.h and MFMessageComposeViewController.h, this information
23 has never been publicly disclosed. Apple does not seek to file under seal any public portions of
24 Exhibit 645.


25 11. Attached as Appendix A to the Declaration of Henri Lamiroux is a list of the
26 individual source code files in Exhibits 121 and 645 that Apple seeks to seal for the reasons
27 explained above and in his Declaration.

28

1 12. Plaintiff's Exhibit 110 is 62 pages of detailed schematics that show the electrical
2 configuration of Apple's iBook and Apple's iSight. These detailed electrical schematics at issue
3 are trade secret information. Disclosure of the functionality of Apple's products to this level of
4 specificity gives competitors highly sensitive information that would enable them to copy
5 numerous aspects of Apple's engineering. Apple's competitors would learn the precise
6 functionality and limits of functionality of the components to which the schematics are
7 relevant. The comprehensiveness and level of detail provided are not publicly available.

8 13. Apple creates confidential source code other than its core iOS code. Plaintiff's
9 Exhibit 63 is a confidential Apple code file relating to simulation software used to create Apple's
10 patented "rubber-banding" user interface. The code is maintained confidential by the members of
11 Apple's Human Interface Group. Exhibit 63 has not previously been publicly disclosed. Public
12 disclosure of Exhibit 63 would cause harm to Apple because it reveals the technology underlying
13 one of the aspects of the iPhone and iPad user interface that is associated with Apple.

14
15 I declare under penalty of perjury that the foregoing is true and correct. Executed this
16 30th day of July, 2012 at Cupertino, California.

17 
18 Beth Kellermann