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 9 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14
 15 APPLE INC., a California corporation,

16 Plaintiff,

17 v.

18 SAMSUNG ELECTRONICS CO., LTD., A
 Korean business entity; SAMSUNG
 19 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 20 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company.,

21 Defendants.
 22

Case No. 4:11-cv-01846-LHK

**DECLARATION OF ERICA
 TIERNEY IN SUPPORT OF
 APPLE'S STIPULATED
 ADMINISTRATIVE MOTION TO
 FILE UNDER SEAL ITS REPLY
 IN SUPPORT OF ITS MOTION
 FOR A PRELIMINARY
 INJUNCTION AND RELATED
 DOCUMENTS**

1 I, Erica Tierney, do hereby declare as follows:

2 1. I am an attorney for Apple Inc. (“Apple”). I submit this declaration in support of
3 Apple’s Stipulated Administrative Motion to File Under Seal its Reply in Support of its Motion
4 for a Preliminary Injunction and Related Documents. Unless otherwise indicated, I have personal
5 knowledge of the matters set forth below. If called as a witness I could and would testify
6 competently as follows.

7 2. The requested relief is necessary and narrowly tailored to protect the
8 confidentiality of the information contained or referenced in Apple’s Reply in Support of its
9 Motion for a Preliminary Injunction (“Reply”).

10 3. Paragraphs 2, 5, 6, and 7 of the Reply Declaration of Tony Blevins in Support of
11 Apple’s Motion for a Preliminary Injunction (“Blevins Declaration”) discuss demand for Apple’s
12 iPhones and iPads and Apple’s capacity to meet that demand. Apple designates these portions of
13 the Blevins Declaration as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY. This
14 information is highly sensitive, confidential Apple business information.

15 4. The Reply Declaration of Richard J. Lutton, Jr. in Support of Apple’s Motion for a
16 Preliminary Injunction (“Lutton Reply Declaration”) discusses Apple’s confidential patent
17 licensing arrangements and the confidential negotiations and settlement discussions between the
18 parties in this case. Apple designates all of the Lutton Reply Declaration as HIGHLY
19 CONFIDENTIAL—ATTORNEYS’ EYES ONLY. Exhibit A to the Lutton Reply Declaration
20 contains excerpts of the transcript of the July 26, 2011 deposition of Richard Lutton. Exhibit B to
21 the Lutton Reply Declaration is an April 2010 presentation entitled “Samsung’s Use of Apple
22 Patents in Smartphones,” produced by Apple in this case. Exhibit C to the Lutton Reply
23 Declaration is a May 13, 2011 letter from Seongwoo Kim to Boris Teksler produced by Apple in
24 this case. Apple has designated Exhibits A, B, and C as HIGHLY CONFIDENTIAL—
25 ATTORNEYS’ EYES ONLY under the interim protective order. The information in the Lutton
26 Reply Declaration and the exhibits thereto is highly sensitive, confidential Apple business
27 information.

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1 5. The Reply Declaration of Terry Musika in Support of Apple’s Motion for a
2 Preliminary Injunction (“Musika Declaration”) discusses Apple’s iPhone and iPad sales forecasts
3 and market share. Apple designates all of the Musika Reply Declaration as HIGHLY
4 CONFIDENTIAL—ATTORNEYS’ EYES ONLY. Exhibit 2 to the Musika Declaration is a
5 report prepared by Mr. Musika that contains sensitive, confidential IDC market research data
6 related to Apple’s sales of cell phones. Exhibit 3 to the Musika Declaration is a report prepared
7 by Mr. Musika that contains sensitive, confidential information related to Apple’s sales of tablet
8 computers. Apple has designated the materials at Exhibits 2 and 3 as HIGHLY
9 CONFIDENTIAL—ATTORNEYS’ EYES ONLY.

10 6. Exhibits A, B, and C to the Reply Declaration of Arthur Rangel in Support of
11 Apple’s Motion for a Preliminary Injunction (“Rangel Declaration”) are confidential internal
12 market research reports, or portions thereof, produced by Apple as HIGHLY CONFIDENTIAL—
13 ATTORNEYS’ EYES ONLY under the interim protective order. These reports contain Apple’s
14 confidential internal market research relating to consumer behavior. This market research is
15 sensitive, confidential Apple business information. The Rangel Declaration summarizes and
16 discusses the information in these research reports, and discusses the meaning of the reports. The
17 Rangel Declaration also discusses confidential market research relating to market share and
18 consumer behavior that Apple purchased from a third-party research analysis firm. This market
19 research is the sensitive, confidential business information of Apple.

20 7. Exhibits D and H to the Reply Declaration of Sanjay Sood in Support of Apple’s
21 Motion for a Preliminary Injunction (“Sood Declaration”) are confidential internal market
22 research reports, or portions thereof, produced by Apple as HIGHLY CONFIDENTIAL—
23 ATTORNEYS’ EYES ONLY under the interim protective order. These reports contain Apple’s
24 confidential internal market research relating to consumer behavior. This market research is
25 sensitive, confidential Apple business information. Paragraphs 24-26, 28-30, 33, and 39 of the
26 Sood Declaration discuss and analyze the information in these reports. In addition, Paragraphs
27 27-33 of the Sood Declaration discuss confidential market research relating to market share and
28 consumer behavior that Apple purchased from a third-party research analysis firm. This report

1 was attached as Exhibit LL to the Declaration of Sara Jenkin in Support of Samsung’s Opposition
2 to Apple’s Motion for a Preliminary Injunction. This market research is sensitive, confidential
3 business information. Apple designates paragraphs 24-26, 28-30, 33, and 39 of the Sood
4 Declaration and Exhibits D and H to the Sood Declaration as HIGHLY CONFIDENTIAL—
5 ATTORNEYS’ EYES ONLY.

6 8. The Reply Declaration of Christopher Stringer in Support of Apple’s Motion for a
7 Preliminary Injunction (“Stringer Declaration”) contains information relating to Apple’s design
8 trade secrets and confidential business practices, including its detailed processes for product
9 development and design alternatives. Apple has designated this information HIGHLY
10 CONFIDENTIAL—ATTORNEYS’ EYES ONLY under the interim protective order. In
11 addition, Exhibits 1 through 9 to the Stringer Declaration are CAD drawings of Apple designs
12 that Apple has designated HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY. These
13 materials reveal Apple’s confidential design process and information.

14 9. Paragraphs 16, 26, 27, 42, and 51 of the Reply Declaration of Cooper C. Woodring
15 in Support of Apple’s Motion for a Preliminary Injunction (“Woodring Reply Declaration”)
16 contain discussions of Apple’s product development process. This information is Apple’s
17 confidential business information. Apple designates these portions of the Woodring Reply
18 Declaration as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY.

19 10. Exhibits D, M, P, W, Z, EE, FF, GG, JJ, KK, and LL to the Declaration of Francis
20 Ho in Support of Apple’s Motion for a Preliminary Injunction (“Ho Declaration”) consist of
21 excerpts of deposition transcripts, deposition exhibits, and additional materials, as specified in the
22 Ho Declaration, that contain confidential information of Apple.

- 23 • Exhibit D contains excerpts of the transcript of the September 14, 2011 deposition
24 of Michael J. Wagner that refer to information designated HIGHLY
25 CONFIDENTIAL—ATTORNEYS’ EYES ONLY, in part, because he discusses
26 Apple’s confidential financial and business information;
- 27 • Exhibit M is an exhibit to the September 14, 2011 deposition of Michael J.
28 Wagner that Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’

1 EYES ONLY because it reflects Apple’s confidential financial and business
2 information;

- 3 • Exhibit P contains excerpts of the transcript of the August 5, 2011 deposition of
4 Cooper Woodring that Apple designated as HIGHLY CONFIDENTIAL—
5 ATTORNEYS’ EYES ONLY because Mr. Woodring, an expert on design patent
6 issues, discussed proprietary information about Apple’s design processes;
- 7 • Exhibit W contains excerpts of the August 9, 2011 deposition of Bas Ording that
8 Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY
9 because Mr. Ording, an Apple employee named as an inventor on one of the
10 patents in suit, discussed proprietary information about Apple’s software design;
- 11 • Exhibit Z contains excerpts of the August 3, 2011 deposition of Christopher
12 Stringer that Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’
13 EYES ONLY because Mr. Stringer, a member of Apple’s industrial design team,
14 discussed proprietary information about Apple’s design process;
- 15 • Exhibit EE contains excerpts of the July 27, 2011 deposition of Sissie Twiggs that
16 Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY
17 because Ms. Twiggs, involved in worldwide advertising at Apple, discussed
18 Apple’s confidential financial and business information;
- 19 • Exhibit FF is an exhibit to the July 27, 2011 deposition of Sissie Twiggs that
20 Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY
21 because it discusses Apple’s confidential financial and business information;
- 22 • Exhibit GG is an exhibit to the July 27, 2011 deposition of Sissie Twiggs that
23 Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY
24 because it discusses Apple’s confidential financial and business information;
- 25 • Exhibit JJ is an exhibit to the August 3, 2011 deposition of Christopher Stringer
26 that Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES
27 ONLY because it contains proprietary renderings of Apple’s designs;

- 1 • Exhibit KK is an exhibit to the August 3, 2011 deposition of Christopher Stringer
2 that Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES
3 ONLY because it contains proprietary renderings of Apple’s designs; and
- 4 • Exhibit LL is an exhibit to the August 3, 2011 deposition of Christopher Stringer
5 that Apple designated as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES
6 ONLY because it contains proprietary renderings of Apple’s designs.

7 11. Apple’s Reply contains references to and discussions of all of the confidential
8 information listed above.

9 12. It is Apple’s policy to not disclose or describe its confidential design trade secrets,
10 market research, product development, or business practices. This information is confidential to
11 Apple. It is indicative of the way that Apple manages its business affairs and conducts product
12 development, and thus it can be used by Apple’s competitors to its disadvantage.

13 13. By email on September 28, 2011, counsel for Apple asked counsel for Samsung if
14 Samsung would stipulate to filing the Reply and supporting papers under seal. By email on
15 September 29, 2011, counsel for Samsung agreed to the filing of the Reply and supporting
16 documents under seal.

17 I declare under the penalty of perjury under the laws of the United States of America that
18 the forgoing is true and correct to the best of my knowledge and that this Declaration was
19 executed this 30th day of September, 2011, at Belmont, California.

20
21 Dated: September 30, 2011

By: /s/ Erica Tierney
Erica Tierney

