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11 Attorneys for Plaintiff and
 12 Counterclaim-Defendant APPLE INC.

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

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

Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF SAMUEL J.
 MASELLI IN SUPPORT OF
 MOTION FOR ENTRY OF
 PROTECTIVE ORDER
 REGARDING DISCLOSURE AND
 USE OF DISCOVERY
 MATERIALS**

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1 I, Samuel J. Maselli, declare as follows:

2 1. I am Counsel at Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”), and
3 represent Apple Inc. in the above-captioned matter. I have personal knowledge of the facts set
4 forth below, and if called upon as a witness, I would and could competently testify thereto.

5 2. The negotiations between Apple and Samsung regarding a stipulated protective
6 order lasted for well over three months. On multiple occasions during the parties’ weekly meet
7 and confer calls, Apple asked Samsung to discuss the finalization of a stipulated protective order,
8 but Samsung was repeatedly unprepared to do so. In light of the parties’ production of millions
9 of pages of confidential documents in proceedings before the U.S. International Trade
10 Commission designated as “Confidential Business Information,” Apple proposed a single-tier
11 Protective Order Regarding Disclosure and Use of Discovery Materials (“Protective Order”) that,
12 among other things, creates one confidentiality designation—“Confidential—Attorneys’ Eyes
13 Only.” Apple’s proposed Protective Order also provided, among other things, a separate
14 confidentiality designation for highly confidential and proprietary source code produced in this
15 action, as well as specific provisions for the use and treatment of such data. A true and correct
16 copy of Apple’s proposed Protective Order is attached hereto as Exhibit A.

17 3. On or around December 20, 2011, I spoke with Samsung’s counsel Diane Hutnyan
18 of Quinn Emanuel by telephone. During my call with Ms. Hutnyan, we were able to resolve the
19 remaining issues related to the proposed Protective Order and to reach agreement on the form of
20 that proposed order. Thereafter, on December 22 and 23, 2011, I transmitted to Ms. Hutnyan and
21 Samsung’s other counsel of record a copy of the agreed-upon protective order, along with a brief
22 cover letter for the purposes of the submission. A true and correct copy of that e-mail
23 correspondence to Ms. Hutnyan and the accompanying attachments are attached hereto as
24 Exhibits B and C.

25 4. On December 27, 2011, Ms. Hutnyan responded by e-mail indicating that “recent
26 events” had caused Samsung to reconsider its options with respect to the Protective Order. The e-
27 mail stated that Samsung desired a protective order that included a “Confidential” designation in
28 addition to the agreed-upon “Confidential—Attorneys’ Eyes Only” designation. Ms. Hutnyan’s

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ATTESTATION OF E-FILED SIGNATURE

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Samuel J. Maselli has concurred in this filing.

Dated: January 10, 2012

/s/ Michael A. Jacobs
Michael A. Jacobs