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 11 Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

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

16  
 17 APPLE INC., a California corporation,  
 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.  
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Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF JASON R.  
 BARTLETT IN SUPPORT OF  
 APPLE'S OPPOSITION TO  
 SAMSUNG'S MOTION FOR A  
 PROTECTIVE ORDER**

Date: January 19, 2012  
 Time: 10:00 a.m.  
 Place: Courtroom 5, 4th Floor  
 Judge: Hon. Paul S. Grewal

1 I, Jason R. Bartlett, declare as follows:

2 1. I am a partner in the law firm of Morrison & Foerster LLP, counsel for Apple Inc.  
3 (“Apple”). I am licensed to practice law in the State of California. Unless otherwise indicated, I  
4 have personal knowledge of the matters stated herein or understand them to be true from  
5 members of my litigation team. I make this Declaration in support of Apple’s Opposition to  
6 Samsung’s Motion for a Protective Order.

7 2. In August 2011, Apple sent Samsung a proposed protective order regarding  
8 disclosure and use of discovery materials in this case. That proposed protective order provided  
9 for two levels of confidentiality: (1) “Confidential”; and (2) “Confidential – Attorneys’ Eyes  
10 Only.” The latter level included documents designated as “Confidential – Attorneys’ Eyes Only –  
11 Source Code.”

12 3. On August 16, 2011, Samsung sent a red-lined version of Apple’s proposed two-  
13 tier confidentiality order. Samsung’s revised order deleted the provision allowing in-house  
14 counsel for the parties to access documents marked with the lower confidentiality designation. A  
15 true and correct copy of that red-lined protective order and its cover email is attached hereto as  
16 Exhibit A.

17 4. In response to Samsung’s August 16, 2011 proposal, Apple pointed out that if in-  
18 house counsel would not have access to documents marked with the lower confidentiality  
19 designation, there did not seem to be a compelling reason to have a two-tier protective order.  
20 Apple therefore suggested that the parties implement a single-tier confidentiality structure.  
21 Samsung agreed.

22 5. There are two pending matters before the International Trade Commission (“ITC”)  
23 involving Apple and Samsung. The parties have agreed that documents produced in those matters  
24 may be “cross-used” in this action. Discovery in the ITC matters is governed by a single-tier  
25 protective order which requires “Attorneys’ Eyes Only” treatment for all confidential material.  
26 All confidential documents produced in those matters reflect that designation scheme.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this  
17th day of January, 2012, at San Francisco, California.

/s/ Jason R. Bartlett  
Jason R. Bartlett

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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 Jason R. Bartlett has concurred in this filing.

Dated: January 17, 2012

/s/ Michael A. Jacobs  
Michael A. Jacobs