

1 HAROLD J. MCELHINNY (CA SBN 66781)
2 hmcclhinny@mof.com
3 MICHAEL A. JACOBS (CA SBN 111664)
4 mjacobs@mof.com
5 JENNIFER LEE TAYLOR (CA SBN 161368)
6 jtaylor@mof.com
7 ALISON M. TUCHER (CA SBN 171363)
8 atucher@mof.com
9 RICHARD S.J. HUNG (CA SBN 197425)
10 rhung@mof.com
11 JASON R. BARTLETT (CA SBN 214530)
12 jasonbartlett@mof.com
13 MORRISON & FOERSTER LLP
14 425 Market Street
15 San Francisco, California 94105-2482
16 Telephone: (415) 268-7000
17 Facsimile: (415) 268-7522

WILLIAM F. LEE
william.lee@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6000
Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)
mark.selwyn@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
950 Page Mill Road
Palo Alto, California 94304
Telephone: (650) 858-6000
Facsimile: (650) 858-6100

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

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION
17

18 APPLE INC., a California corporation,

19 Plaintiff,

20 v.

21 SAMSUNG ELECTRONICS CO., LTD., A
22 Korean business entity; SAMSUNG
23 ELECTRONICS AMERICA, INC., a New York
24 corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC, a
Delaware limited liability company,

25 Defendants.
26
27

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

**DECLARATION OF
ERICA TIERNEY IN
SUPPORT OF SAMSUNG'S
ADMINISTRATIVE MOTION
TO FILE DOCUMENTS
UNDER SEAL**

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 Samsung’s Administrative Motion to File Documents Under Seal. I have personal knowledge of
4 the matters set forth below. If called as a witness I could and would testify competently as
5 follows.

6 2. Samsung’s Opposition to Apple’s Motion for Partial Summary Judgment and
7 exhibits L, P1 and S2 to the Declaration of David Hecht (“Hecht Declaration”) contain
8 information that Apple treats as confidential in the ordinary course of its business and/or that is
9 confidential third party information. Specifically:

10 A. Exhibit L to the Hecht Declaration is an excerpt from Apple’s Objections
11 and Responses to Samsung’s Fourth Set of Interrogatories. These
12 responses contain confidential sales and manufacturing details relating to
13 Apple’s products, the components in Apple’s products, and Intel’s sales to
14 Apple, and could be used to Apple’s disadvantage by competitors if it were
15 not filed under seal. Apple’s supply chain information is carefully
16 maintained as a business secret that is not disclosed or leaked to any person
17 outside of Apple. A proposed redacted version is attached as Exhibit 1 to
18 the Declaration of Mark D. Selwyn In Support of Samsung’s
19 Administrative Motion to File Documents Under Seal.

20 B. Exhibit P1 to the Hecht Declaration is an excerpt from the deposition of
21 Boris Teksler. It contains confidential information related to Apple’s
22 internal licensing and intellectual property policies. This deposition was
23 designated by Apple as “HIGHLY CONFIDENTIAL – ATTORNEYS’
24 EYES ONLY,” contains information that is confidential and proprietary to
25 Apple, and could be used to its disadvantage by competitors if it were not
26 filed under seal. A proposed redacted version is attached hereto as Exhibit
27 1.

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1 C. Exhibit S2 to the Hecht Declaration is a letter from Jason Bartlett to Diane
2 Hutnyan dated March 14, 2012. It contains non-public information relating
3 to the involvement of Apple employees with product development and
4 Apple's internal employee reporting structure, and a reference to an
5 internal Apple code name for its products. Apple's internal code names
6 reveal information that Apple uses to maintain confidentiality with respect
7 to its entire design and development process and could be used to its
8 disadvantage by competitors if it were not filed under seal. A proposed
9 redacted version is attached hereto as Exhibit 2.

10 D. The confidential, unredacted version of Samsung's Opposition to Apple's
11 Motion for Partial Summary Judgment discusses and references the
12 information contained in paragraphs A-B above, and also contains a
13 reference to licensing discussions between Apple and Samsung, and should
14 therefore be sealed for the same reasons.

15 3. Apple does not maintain a claim of confidentiality on Exhibit S1 to the Hecht
16 Declaration.

17 4. It is Apple's policy not to disclose or describe its confidential design and product
18 development information, or internal licensing and intellectual property policies. The information
19 that is described above is confidential to Apple. It is indicative of the way that Apple manages its
20 business affairs, designs its products, and conducts product development. Apple's licensing and
21 intellectual property policies are carefully maintained as business secrets that are not disclosed or
22 leaked to any person outside of Apple. Apple is well known worldwide for its corporate culture
23 of carefully maintaining the confidentiality of its business information. If disclosed, the
24 information in the materials describe above could be used by Apple's competitors to Apple's
25 disadvantage.

26 5. The relief requested in this motion is necessary and is narrowly tailored to protect
27 confidential information, focusing only on specific exhibits and specific portions of the briefs at
28 issue.

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I declare under the penalty of perjury under the laws of the United States of America that the forgoing is true and correct to the best of my knowledge and that this Declaration was executed this 9th day of April, 2012, at Cupertino, California.

Dated: April 9, 2012

By: Erica Tierney
Erica Tierney

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on April 9, 2012 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Mark. D Selwyn
Mark D. Selwyn