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

Defendants.

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

**DECLARATION OF
MARK D. SELWYN IN SUPPORT
OF SAMSUNG'S
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER
SEAL**

1 I, Mark D. Selwyn, do hereby declare as follows:

2 1. I am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP
3 and counsel for plaintiff and counterclaim-defendant Apple Inc. (“Apple”). I am familiar with
4 and knowledgeable about the facts stated in this declaration and if called upon could and would
5 testify competently as to the statements made herein.

6 2. Samsung’s Opposition to Apple’s Motion for Partial Summary Judgment and
7 exhibits L and M to the Declaration of David Hecht (“Hecht Declaration”) contain information
8 that Samsung or third parties have designated confidential. Specifically:

9 A. Exhibit L to the Hecht Declaration is an excerpt from Apple’s Objections
10 and Responses to Samsung’s Fourth Set of Interrogatories. These
11 responses contain information about the license agreements between
12 Samsung and Intel and between Samsung and Qualcomm, which is based
13 in part on documents Samsung has designated as “Confidential Business
14 Information – Subject to Protective Order” in the 337-ITC-794 action
15 between Samsung and Apple. A proposed redacted version is attached
16 hereto as Exhibit 1.

17 B. Exhibit M is a declaration and attachments from Carl D. Herbert, an
18 employee of Intel. Exhibit M was filed non-publicly in Korea. Carl
19 Herbert’s declaration was marked Intel Confidential by Intel, and contains
20 confidential sales information relating to the components in Apple’s
21 products and Intel’s sales to Apple.

22 C. The confidential, unredacted version of Samsung’s Opposition to Apple’s
23 Motion for Partial Summary Judgment discusses and references the
24 information contained in paragraphs A-B above, and should therefore be
25 sealed for the same reasons.

26 3. 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: /s/ Mark. D Selwyn
Mark. D Selwyn

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and correct copy of the above and foregoing document
3 has been served on April 9, 2012 to all counsel of record who are deemed to have consented to
4 electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of
5 record will be served by electronic mail, facsimile and/or overnight delivery.
6

7 /s/ Mark. D Selwyn
8 Mark D. Selwyn
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