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HAROLD J. MCELHINNY (CA SBN 66781)
hmcclhinny@mofo.com
MICHAEL A. JACOBS (CA SBN 111664)
mjacobs@mofo.com
JENNIFER LEE TAYLOR (CA SBN 161368)
jtaylor@mofo.com
ALISON M. TUCHER (CA SBN 171363)
atucher@mofo.com
RICHARD S.J. HUNG (CA SBN 197425)
rhung@mofo.com
JASON R. BARTLETT (CA SBN 214530)
jasonbartlett@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
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

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
ERICA TIERNEY IN SUPPORT
OF APPLE'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 Apple’s Administrative Motion to File Documents Under Seal. I have personal knowledge of the
4 matters set forth below. If called as a witness I could and would testify competently as follows.

5 2. Apple’s Motion for Summary Judgment, and Exhibits 4, 9 and 15 to the
6 Declaration of Mark D. Selwyn (“Selwyn Declaration”) contain information that Apple treats as
7 confidential in the ordinary course of its business and/or that is confidential third party
8 information. Specifically:

- 9 A. Exhibit 4 to the Selwyn Declaration is the Expert Report of Richard D.
10 Wesel, Ph.D. Regarding Infringement of U.S. Patent No. 7,362,867. I
11 understand that Samsung has designated this Report Outside Attorneys’
12 Eyes Only. I have seen only a redacted version of this Expert Report.
13 Paragraph 49 of the attached Report contains non-public Apple confidential
14 information relating to Apple’s products and the components in Apple’s
15 products, and could be used to Apple’s disadvantage by competitors if it
16 were not filed under seal.
- 17 B. Exhibit 9 to the Selwyn Declaration is an excerpt from the Expert Report of
18 Woodward Yang Regarding the Infringement of U.S. Patent Nos. US
19 7,577,460, US 7,456,893, US 7,698,711 and US 7,079,871. I understand
20 that Samsung has designated this Report Outside Attorneys’ Eyes Only. I
21 have seen only a redacted version of this Expert Report. Paragraphs 40, 48
22 and 67 of the attached excerpt contain non-public Apple confidential
23 information relating to Apple’s products and the source code in Apple’s
24 products, and could be used to Apple’s disadvantage by competitors if it
25 were not filed under seal.
- 26 C. Exhibit 15 to the Selwyn Declaration is Exhibit J to Samsung’s P.L.R. 3-1
27 Disclosures. This exhibit contains non-public Apple confidential
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information relating to Apple's products and could be used to Apple's disadvantage by competitors if it were not filed under seal.

D. The confidential, unredacted version of Apple's Motion for Summary Judgment discusses and references the information contained in paragraphs A-C above, and should therefore be sealed for the same reasons.

3. It is Apple's policy not to disclose or describe its confidential design and product development information. The information that is described above is confidential to Apple. It is indicative of the way that Apple designs its products. Apple is well known worldwide for its corporate culture of carefully maintaining the confidentiality of its business information. If disclosed, the information in the materials described above could be used by Apple's competitors to Apple's disadvantage.

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

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 17th day of May, 2012, at Belmont, California.

Dated: May 17, 2012

By: /s/ Erica Tierney
Erica Tierney

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 May 17, 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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