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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 RE SAMSUNG'S MOTION
TO EXCLUDE OPINIONS OF
CERTAIN APPLE EXPERTS**

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 Motion to Exclude Opinions of Certain Apple Experts (“Motion to
7 Exclude”), the Declaration of Joby Martin in Support of Samsung’s Motion to Exclude (“Martin
8 Declaration”) and the Exhibits to the Martin Declaration contain information that Apple,
9 Samsung or third parties have designated confidential. Specifically:

10 A. Exhibit 32 is the Expert Report of Richard L. Donaldson, Esq. As detailed
11 in the Wheeler Declaration in Support of Samsung’s Administrative
12 Motion to File Samsung’s Motion to Exclude Under Seal, the Donaldson
13 Expert Report contains Apple highly sensitive and confidential
14 information. This Report also contains references to information that
15 Samsung has designated as Highly Confidential under the Protective Order,
16 and for that additional reason Apple designated the Donaldson report as
17 Highly Confidential-Attorneys' Eyes Only in accordance with the
18 Protective Order entered in this Action. Accordingly, the redacted version
19 of the Donaldson report submitted herewith by Apple redacts both the
20 Apple confidential information and the references in that report to
21 information that Samsung has designated as Highly Confidential under the
22 Protective Order. A proposed redacted version is attached hereto as
23 Exhibit 1.

24 B. Exhibit 34 contains excerpts from the deposition of Richard L. Donaldson
25 on May 2, 2012. This transcript was designated Highly Confidential-
26 Attorneys' Eyes Only in accordance with the Protective Order entered in
27 this Action by both Apple and Samsung. The deposition excerpts include a
28 discussion of a confidential Samsung agreement.

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C. The confidential, unredacted version of Samsung's Motion to Exclude discusses and references the information contained in paragraphs A-B above, and should therefore be sealed for the same reasons.

3. 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 24th day of May, 2012, at Palo Alto, California.

Dated: May 24, 2012

By: /s/ Mark D. Selwyn
Mark D. Selwyn

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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 May 24, 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

ATTESTATION OF E-FILED SIGNATURE

I, Jason R. Bartlett, 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 Mark D. Selwyn has concurred in this filing.

Dated: May 24, 2012

By: /s/ Jason R. Bartlett
Jason R. Bartlett