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13 Attorneys for Defendant
GOOGLE INC.

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

19 ORACLE AMERICA, INC.,
20 Plaintiff,
21 v.
22 GOOGLE INC.,
23 Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF DANIEL PURCELL
IN SUPPORT OF ORACLE AMERICA,
INC.'S ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR RELIEF
FROM NON-DISPOSITIVE ORDER OF
MAGISTRATE JUDGE**

Judge: Hon. William Alsup

Date Comp. Filed: October 27, 2010

Trial Date: October 31, 2011

1 I, Daniel Purcell, declare as follows:

2 1. I am a partner in the law firm of Kecker & Van Nest LLP, counsel to Google Inc.
3 (“Google”) in the present case. I submit this declaration in support of Oracle America, Inc.’s
4 (“Oracle”) Administrative Motion to File Under Seal Portions of Plaintiff’s Opposition to
5 Defendant’s Motion for Relief from Non-Dispositive Order of Magistrate Judge. [Dkt. No. 466].
6 I have knowledge of the facts set forth herein, and if called to testify as a witness thereto could
7 do so competently under oath.

8 2. Portions of Oracle’s Opposition quote the Lindholm email, which is the subject of
9 Google’s motion for relief from Magistrate Judge Ryu’s nondispositive pretrial order in this case.
10 All versions of the Lindholm email and drafts thereof are marked “PRIVILEGED ATTORNEY-
11 CLIENT COMMUNICATION/ATTORNEY WORK PRODUCT,” and are designated as
12 “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” pursuant to the Order Approving
13 Stipulated Protective Order Subject to Stated Conditions [Dkt. No. 68] governing this case. The
14 Lindholm email contains privileged information about Google’s investigation of and potential
15 responses to Oracle’s infringement claims. But even leaving aside whether the email is
16 privileged, Google also considers the information contained in the email to be highly confidential
17 under the standard set forth in the protective order in this case. Under no circumstances would
18 Google publicly disclose during the normal course of business, or absent a direct court order, any
19 information about its litigation strategy or potential responses to claims asserted against it.
20 Public disclosure of this information would cause significant and undue harm to Google’s
21 business.

22 I declare under penalty of perjury that the foregoing is true and correct and that this
23 declaration was executed at San Francisco, California on October 3, 2011.

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By: /s/ Daniel Purcell
DANIEL PURCELL