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GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

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

**DECLARATION OF DAVID ZIMMER IN
SUPPORT OF ORACLE AMERICA,
INC.'S ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL (DKT.
NO. 592)**

Judge: Hon. William Alsup

Date Comp. Filed: October 27, 2010

1 I, David Zimmer, declare as follows:

2 1. I am an associate in the law firm of Keker & Van Nest LLP, counsel to Google
3 Inc. ("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 Its Reply To Google Inc.'s
5 Opposition To Motion To Exclude Portions of The Expert Reports of Gregory K. Leonard and
6 Alan J. Cox (Dkt. No. 592). I have knowledge of the facts set forth herein, and if called to testify
7 as a witness thereto could do so competently under oath.

8 2. Oracle moves to file under seal the following documents, which I have reviewed:

- 9 • Exhibits A, B, and C to the Declaration of Fred Norton (Dkt. No. 594) ("Norton
10 Decl.")¹; and
- 11 • Portions of Oracle's Reply To Google Inc.'s Opposition To Motion To Exclude
12 Portions of The Expert Reports of Gregory K. Leonard and Alan J. Cox (Dkt. No.
13 593).

13 3. Exhibit A to the Norton Decl. (Dkt. No. 594) contains excerpts from the
14 deposition of Google's expert Dr. Gregory K. Leonard, taken October 28, 2011. These excerpts
15 contain discussions of Dr. Leonard's expert report in this case. The Court previously has granted
16 a request to file Dr. Leonard's report under seal (Dkt. No. 583). The deposition excerpts
17 containing discussions of Dr. Leonard's report, like the report itself, contain information that has
18 been designated HIGHLY CONFIDENTIAL – ATTORNEY'S EYES ONLY pursuant to the
19 stipulated protective order in this case. The excerpts contain sensitive, non-public information
20 about Google's consideration of alternatives to the intellectual property at issue in this lawsuit.
21 Google does not make this information available to the public. Public disclosure of this
22 confidential information would cause great and undue harm to Google, and place it at a
23 competitive disadvantage.

24 4. Exhibit B to the Norton Decl. (Dkt. No. 594) contains excerpts from the
25 deposition of Google's expert Dr. Alan J. Cox, taken October 26, 2011. These excerpts contain
26 discussions of Dr. Cox's expert report in this case. The Court previously has granted a request to
27 file Dr. Cox's report under seal (Dkt. No. 583). The deposition excerpts containing discussions

28 ¹ On information and belief, Oracle's Administrative Motion to Seal mistakenly refers to the

1 of Dr. Cox's report, like the report itself, contain information that has been designated HIGHLY
2 CONFIDENTIAL – ATTORNEY'S EYES ONLY pursuant to the stipulated protective order in
3 this case. The excerpts contain sensitive, non-public information about Google's consideration
4 of alternatives to the intellectual property at issue in this lawsuit. Google does not make this
5 information available to the public. Public disclosure of this confidential information would
6 cause great and undue harm to Google, and place it at a competitive disadvantage.

7 5. Google does not request sealing Exhibit C of the Norton Decl. (Dkt. No. 594).
8 Nor does Google request sealing of the redacted portions of Oracle's Reply Brief (Dkt. No. 593).

9
10 I declare under penalty of perjury that the foregoing is true and correct and that this
11 declaration was executed at San Francisco, California on November 8, 2011.

12
13 By: 
14

DAVID ZIMMER

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Norton Decl. as the Declaration of Meredith Dearborn (Dkt. No. 592).