1   MARC MORRIS (SBN 183728)
    mmorris@mckoolsmithhennigan.com
2   MCKOOL SMITH HENNIGAN, P.C.
    865 South Figueroa Street, Suite 2900
3   Los Angeles, California 90017
    Telephone: (213) 694-1200
4   Facsimile: (213) 694-1234

5   Attorneys for Non-Party Rovi Corp.

6

7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

11 APPLE INC., a California corporation   ) Case No.: 11-CV-01846 LHK (PSG)
)
12   Plaintiff,   ) **DECLARATION OF**
) **LEE GOLDBERG**
13   v.   ) **IN SUPPORT OF NON-PARTY**
) **ROVI CORP.'S COMBINED**
14 SAMSUNG ELECTRONICS CO. LTD.,   ) **MOTION FOR (1) LEAVE TO**
    a Korean business entity; SAMSUNG   ) **INTERVENE FOR THE LIMITED**
15 ELECTRONICS AMERICA, INC., a   ) **PURPOSE OF SEALING**
    New York corporation; SAMSUNG   ) **PORTIONS OF ITS TRADE**
16 TELECOMMUNICATIONS AMERICA,   ) **SECRET/CONFIDENTIAL**
    LLC, a Delaware limited liability   ) **LICENSE AND (2) TO SEAL SAID**
17 company,   ) **INFORMATION**
)
18   Defendants.   ) **(Re: Docket Nos. 600, 613, 781, 782,**
) **801, 819, 857, 934, 939, 965, 984, 986,**
19   ) **987, 990, 994, 996, 1041, 1044, 1047,**
) **1056, 1067, 1074, 1088, 2149)**
20   )
)
21   ) [Notice of Motion and Motion and
) Proposed Order filed concurrently
22   ) herewith]
)
23   )
) ---
24   ) Date: August 1, 2013
) Time: 1:30 PM
25   ) Place: Courtroom 8, 4th Floor
)   [Honorable Lucy H. Koh]
26

27

28 Case No. 11-CV-01846 LHK (PSG)   DECLARATION OF LEE GOLDBERG ISO
                                                             ROVI CORP.'S COMBINED MOTION
                                                                 FOR LEAVE TO INTERVENE

MCKOOL SMITH HENNIGAN, P.C.
LOS ANGELES, CALIFORNIA

870222

I, Lee Goldberg, declare as follows:

1.   I am a Senior Director of Litigation at Rovi Corporation ("Rovi"), headquartered at 2830 De La Cruz Boulevard in Santa Clara, California. I have personal knowledge of the facts set forth in this declaration and if called as a witness I would testify to such facts.

2.   Rovi is a publicly traded company. Among other things, Rovi is engaged in the licensing of patents and technology to third parties, including Apple and its competitors. At present, Rovi owns or controls a worldwide patent portfolio consisting of about 5000 issued patents and pending patent applications and it is a party to over 500 license agreements. Rovi's licensing business produces annual revenue of more than Three Hundred Million Dollars.

3.   Rovi licenses companies engaged in a variety of businesses, including for example cable system operators, satellite system operators, manufacturers of consumer electronics devices (e.g., televisions, cable set-top boxes, satellite set-top boxes, DVRs, etc). Rovi is continuously engaged in licensing activity and negotiations relating to its technology and patents.

4.   Rovi's license agreements, including its license with Apple, contain highly confidential competitively sensitive information that is not publicly available. This information includes without limitation the financial terms and the scope of the licenses.

5.   Rovi carefully maintains internal controls to protect against the public disclosure of this confidential information through its use of an electronic document management system that limits access to authorized persons only. Similarly, file rooms containing any hardcopy license agreements are locked at all times and access is strictly limited to select employees who need to have access to the information to perform their job responsibilities. All employees having access to Rovi's confidential

McKOOL SMITH HENNIGAN, P.C.
LOS ANGELES, CALIFORNIA

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

DECLARATION OF LEE GOLDBERG ISO
ROVI CORP.'S COMBINED MOTION
FOR LEAVE TO INTERVENE

1

870222

1 information are prohibited from making that information public during and after their

2 employment with Rovi. Rovi's license with Apple is subject to all of these controls.

3   6.   When Rovi receives notice that one of its license agreements may be

4 produced in litigation, Rovi has a strict policy of requiring that such agreements be

5 produced pursuant to an "outside counsel's eyes only" confidentiality designation in

6 an appropriate protective order.

7   7.   Upon entering into licensing negotiations with third parties Rovi requires

8 that such parties execute a non-disclosure agreement to protect sensitive business

9 information.

10   8.   Disclosure of Rovi's highly confidential information relating to the

11 financial terms of and the scope of its licenses would be detrimental to Rovi.

12 Disclosure of this information would place Rovi at a disadvantage in future

13 negotiations with potential licensees and would negatively impact its ability to

14 compete.

15   9.   Rovi's license with Apple recites that the terms of the agreement are

16 confidential and prohibits the disclosure of those terms to third parties. While the

17 entire Apple license is confidential, in the event that the entire document is not sealed,

18 Rovi has carefully reviewed the document to identify the most commercially sensitive

19 information and has identified that information in its proposed redactions filed

20 herewith.

21   Executed on March 13th, 2013 at Los Angeles, CA .

22 I declare under penalty of perjury that the foregoing is true and correct.

23

24   _Lee Goldberg_

25   **LEE GOLDBERG**

26

27

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

DECLARATION OF LEE GOLDBERG ISO
ROVI CORP.'S COMBINED MOTION
FOR LEAVE TO INTERVENE

28

2

870142

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

McKool Smith Hennigan, P.C.
Los Angeles, California

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on March 14, 2013 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile, U.S. Mail and/or overnight delivery.

/s/ Sylvia Berson
Name

870222