

1 Alfred R. Fabricant (*pro hac vice*)
 2 afabricant@fabricantllp.com
 3 Peter Lambrianakos (*pro hac vice*)
 4 plambrianakos@fabricantllp.com
 5 Vincent J. Rubino, III (*pro hac vice*)
 6 vrubino@fabricantllp.com
 7 Enrique Iturralde (*pro hac vice*)
 8 eiturralde@fabricantllp.com
FABRICANT LLP
 411 Theodore Fremd Road, Suite 206 South
 Rye, New York 10580
 Telephone: (212) 257-5797
 Facsimile: (212) 257-5796

9 Benjamin T. Wang (CA SBN 228712)
 10 bwang@raklaw.com
 11 Minna Y. Chan (CA SBN 305941)
 12 mchan@raklaw.com
RUSS AUGUST & KABAT
 12424 Wilshire Boulevard, 12th Floor
 Los Angeles, California 90025
 Telephone: (310) 826-7474
 Facsimile: (310) 826-9226

15 *Attorneys for Defendant/Counterclaim Plaintiff*
 16 *AGIS Software Development LLC*

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19 LYFT, INC.,
 20 Plaintiff,
 21 v.
 22 AGIS SOFTWARE DEVELOPMENT LLC,
 23 Defendant.

Case No. 5:21-cv-04653-BLF

**DECLARATION OF VINCENT J. RUBINO
 IN SUPPORT OF JOINT STIPULATION
 [DKT. 136] REGARDING PROPOSED
 REDACTIONS TO COURT'S SEALED
 ORDER [DKT. 133]**

Dept: Courtroom 3 – 5th Floor
 Judge: Hon. Beth Labson Freeman

Trial date: October 16, 2023

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1 I, Vincent J. Rubino, hereby declare as follows:

2 1. I am a partner at the law firm of Fabricant LLP and counsel for AGIS Software
 3 Development LLC (“AGIS”). I am admitted to practice before this Court. I have personal
 4 knowledge of the facts stated in this declaration and can and would testify truthfully thereto if
 5 called upon to do so.

6 2. Pursuant to Civil L.R. 79-5, 7-11, and the Court’s Order Requesting Declarations in
 7 Support of [Dkt. 136] Proposed Redactions to [Dkt. 133] Court’s Sealed Order, I submit this
 8 declaration in support thereof.

9 3. AGIS has determined that the information requested to be sealed is narrowly
 10 tailored and able to overcome the presumption in favor of access to court records. AGIS also
 11 submits that there are compelling reasons to grant the parties’ Joint Stipulation [Dkt. 136].

12 4. Specifically, the following documents submitted in connection with the parties’
 13 Joint Stipulation [Dkt. 136] should be sealed:

ECF or Ex. No.	Document	Description of Portions to be Sealed	Reasons for Sealing
ECF 136-1	Exhibit A to Joint Stipulation Regarding Proposed Redactions to Court’s Sealed Order [Dkt. 133]	Highlighted Portions at: <ul style="list-style-type: none"> • Page 2: lines 16-17; • Page 3: lines 12-14; 16-17; 19; 22; 27-28; • Page 4: lines 1-2; 17-18; 28. 	These highlighted portions contain highly confidential settlement licenses and negotiations with third parties, and which are covered by confidentiality provisions in the written agreements. Revealing the identity and nature of third parties who have entered into licenses and/or settlement agreements with AGIS would be harmful if its contents became known to competitors of these third parties, would cause AGIS harm, and also violate the confidentiality provisions in those third party agreements. Moreover, the parties to these agreements have maintained the confidentiality of the

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			<p>information contained in the license agreements. <i>See Powertech Tech., Inc. v. Tessera, Inc.</i>, 2013 WL 12324116, at *19 (N.D. Cal. Apr. 15, 2013) (granting a motion to seal a draft license agreement with a third party). The highlighted portions also contain confidential information regarding the corporate structure and contents of agreements between business entities. <i>See In re Elec. Arts, Inc.</i>, 298 F. App'x 568, 569 (9th Cir. 2008) (finding the Court abused its discretion when it refused to seal "pricing terms, royalty rates, and guaranteed minimum payment terms" found in a license agreement); <i>Nixon v. Warner Commc'ns, Inc.</i>, 435 U.S. 589, 598 (1978) (holding that "sources of business information that might harm a litigant's competitive standing" may give rise to a compelling reason to seal).</p>
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5. For the reasons set forth above, AGIS respectfully submits that good cause exists for the parties' Joint Stipulation (Dkt. 136) and AGIS respectfully requests the court grant the parties' Joint Stipulation (Dkt. 136).

I declare under penalty of perjury under the laws of the United States the foregoing is true and correct.

Executed May 27, 2022.

Respectfully submitted,

/s/ Vincent J. Rubino, III

Vincent J. Rubino, III, Declarant

