BAKER BOTTS L.L.P.	1     2     3     4     5     6     7     8     9     10     11     12     13     14     15     16     1	Alfred R. Fabricant ( <i>pro hac vice</i> ) afabricant@fabricantllp.com Peter Lambrianakos ( <i>pro hac vice</i> ) plambrianakos@fabricantllp.com Vincent J. Rubino, III ( <i>pro hac vice</i> ) vrubino@fabricantllp.com Enrique Iturralde ( <i>pro hac vice</i> ) eiturralde@fabricantllp.com <b>FABRICANT LLP</b> 411 Theodore Fremd Road, Suite 206 South Rye, New York 10580 Telephone: (212) 257-5797 Facsimile: (212) 257-5796 Benjamin T. Wang (CA SBN 228712) bwang@raklaw.com Minna Y. Chan (CA SBN 305941) mchan@raklaw.com <b>RUSS AUGUST &amp; KABAT</b> 12424 Wilshire Boulevard, 12th Floor Los Angeles, California 90025 Telephone: (310) 826-7474 Facsimile: (310) 826-9226 <i>Attorneys for Defendant/Counterclaim Plaintiff</i> <i>AGIS Software Development LLC</i>				
BAKEF	17	UNITED STATES DISTRICT COURT				
	18	NORTHERN DISTRICT OF CALIFORNIA				
	19	LYFT, INC.,	Case No. 5:21-cv-04653-BLF			
	20	Plaintiff,	DECLARATION OF VINCENT J. RUBINO IN SUPPORT OF JOINT STIPULATION			
	21 22		[DKT. 136] REGARDING PROPOSED REDACTIONS TO COURT'S SEALED			
	22	AGIS SOFTWARE DEVELOPMENT LLC, Defendant.	ORDER [DKT. 133] Dept: Courtroom 3 – 5th Floor			
	24	Defendant.	Dept: Courtroom 3 – 5th Floor Judge: Hon. Beth Labson Freeman			
	25		Trial date: October 16, 2023			
	26		_			
	27					
	28					
		<b>KET</b> <b>R M</b> Find authenticated court documents wi	thout watermarks at <u>docketalarm.com</u> .			

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].

> 4. Specifically, the following documents submitted in connection with the parties'

Joint Stipulation [Dkt. 136] should be sealed:					
ECF or	Document	<b>Description of Portions</b>	<b>Reasons for Sealing</b>		
Ex. No.		to be Sealed			
ECF 136-	Exhibit A to Joint	Highlighted Portions at:	These highlighted portions		
1	Stipulation Regarding	• Page 2: lines 16-17;	contain highly confidential settlement licenses and		
	Proposed Redactions to Court's Sealed	• Page 3: lines 12-14; 16- 17; 19; 22; 27-28;	negotiations with third		
	Order [Dkt. 133]	<ul> <li>Page 4: lines 1-2; 17-</li> </ul>	parties, and which are		
		18; 28.	covered by confidentiality		
		10, 20.	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		
l I			confidentiality provisions in		
			those third party agreement Moreover, the parties to		
			these agreements have		
			maintained the		
			confidentiality of the		
		ΟΙ ΙDDODT ΟΕ ΙΟΙΝΙΤ ΟΤΙDI ΙΙ ΑΤ	$C_{222} N_2 5.21 q$		

13 [Dlzt 136] should be sealed

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1	information contained in the				
2	license agreements. See				
2	Powertech Tech., Inc. v. Tessera, Inc., 2013 WL				
3	12324116, at *19 (N.D. Cal.				
4	Apr. 15, 2013) (granting a				
	motion to seal a draft license				
5	agreement with a third				
6	party). The highlighted				
	portions also contain confidential information				
7	regarding the corporate				
8	structure and contents of				
0	agreements between				
9	business entities. See In re				
10	<i>Elec. Arts, Inc.</i> , 298 F. App'x 568, 569 (9th Cir.				
11	2008) (finding the Court				
11	abused its discretion when it				
12	refused to seal "pricing				
13	terms, royalty rates, and				
	guaranteed minimum payment terms" found in a				
14	license agreement); <i>Nixon v.</i>				
15	Warner Comme'ns, Inc., 435				
	U.S. 589, 598 (1978)				
16	(holding that "sources of				
17	business information that might harm a litigant's				
10	competitive standing" may				
18	give rise to a compelling				
19	reason to seal).				
20	5. For the reasons set forth above, AGIS respectfully submits that good cause exists				
21	for the parties' Joint Stipulation (Dkt. 136) and AGIS respectfully requests the court grant the				
22	parties' Joint Stipulation (Dkt. 136).				
22	I declare under penalty of perjury under the laws of the United States the foregoing is true				
24	and correct.				
	Executed May 27, 2022. Respectfully submitted,				
25					
26	<u>/s/Vincent J. Rubino, III</u> Vincent L. Palina, III, Daslandt				
27	Vincent J. Rubino, III, Declarant				
28	DECLADATION OF VINCENT DUDING IN SUDDODT OF JOINT STIDUE ATION				
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## Case 5:21-cv-04653-BLF Document 142 Filed 05/27/22 Page 4 of 4

1	CERTIFICATE OF SERVICE			
2	I certify that I caused the foregoing document to be electronically filed with the Clerk of			
3	the Court for the United States District Court for the Northern District of California using the			
4	CM/ECF System on May 27, 2022.			
5	I certify that all counsel of record who are deemed to have consented to electronic service			
6	are being served on May 27, 2022 with a copy of this document via the Court's CM/ECF systems			
7	per Local Rule CV-5(a)(3). Any other counsel will be served by electronic mail, facsimile, overnight			
8	delivery and/or First Class Mail on this date.			
9				
10	DATED: May 27, 2022 /s/ Minna Chan			
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28	DECLADATION OF VINCENT DUDINO IN SUDDODT OF IOINT STIDUILATION Coss No. 5.21 of			
<b>DOCKET</b> <b>A L A R M</b> Find authenticated court documents without watermarks at <u>docketalarm.com</u> .				