

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARENDI S.A.R.L.,)
)
Plaintiff,)
) C.A. No. 13-919-JLH
v.)
)
GOOGLE LLC,)
)
Defendant.)
)

**DECLARATION OF MATTHEW R. CLEMENTS IN SUPPORT OF NON-PARTY
APPLE INC.'S REQUEST TO SEAL PORTIONS OF THE TRIAL TRANSCRIPT
FROM APRIL 26, 2023**

I, Matthew R. Clements, declare as follows:

1. I am over the age of 18, a member in good standing of the bar of the State of California, and am Senior Counsel in the IP Transactions group at Apple Inc. If called as a witness, I could and would testify competently to the information set forth in this declaration.
2. I make this declaration in support of Non-Party Apple Inc.'s Request to Seal Portions of the Trial Transcript from April 26, 2023.
3. I have reviewed the Settlement and License Agreement effective September 13, 2021 between Apple and Plaintiff, Onebutton S.A.R.L., Violette Heger-Hedløy, and Atle Hedløy (the "Apple Agreement").
4. The Apple Agreement, and specifically the amount paid by Apple and license terms pursuant to the Apple Agreement is among Apple's most highly sensitive and protected business information. As a matter of policy and practice, Apple does not make this type of license agreement information available outside of the company.
5. The terms of these agreements are not available from public sources. Apple would be seriously harmed if licensors and/or Apple competitors had open access to this information, including in Apple's many active and ongoing negotiations with various patent licensors and litigants. Apple would also be harmed if its competitors had this level of insight

into the non-public and confidential resolution of negotiations with a patent licensor such as Arendi. Disclosure of the terms of the Apple Agreement to the public would be harmful to Apple's future licensing negotiations, giving third parties insight into Apple's license and payment terms. This would force Apple into an uneven bargaining position in future licensing deals or other negotiations.

6. As a member of the Apple IP Transactions group, I am aware of how Apple maintains and protects documents such as the Apple Agreement.

7. Apple expends significant time and resources to maintain the confidentiality and nonpublic nature of the Apple Agreement and similar documents and information.

8. Even within Apple, the Apple Agreement is not disseminated or accessible except to a small group of Apple employees who maintain its confidentiality.

9. Disclosure of information produced in another litigation in connection with the amount that Apple settled that litigation for would also harm Apple in its negotiations with litigants and patent holders in the future.

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

Executed this 26th of April, 2023, at Cupertino, CA.

Matthew R. Clements

Matthew R. Clements
Apple Inc.