

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

**DECLARATION OF DANIEL FOSTER IN SUPPORT OF NON-PARTY
MICROSOFT CORP.’S UNOPPOSED MOTION TO SEAL PORTIONS OF
THE TRIAL TRANSCRIPTS AND EXHIBITS**

I, Daniel Foster, declare as follows:

1. I am over the age of 18, a member in good standing of the bar of the States of California and Washington, and am a Senior Corporate Counsel at Microsoft Corporation (“Microsoft”), a position I’ve held since June 2019. If called as a witness, I could and would testify competently to the information set forth in this declaration.

2. I hereby submit this declaration in Support of Microsoft’s Unopposed Motion to Seal Portions of the Trial Transcripts and Exhibits.

3. I have reviewed the Settlement and License Agreement between Microsoft and Plaintiff, Arendi S.A.R.L. (the “Microsoft Agreement”) and the Settlement and License Agreement between Microsoft Multi-Modality Inc. (“MMI”) and Plaintiff, Arendi S.A.R.L. (collectively, the “Microsoft Agreements”). I understand that they were marked as Exhibits PX-75, PX-78, and DTX-971.

4. The amount paid by Microsoft in the Microsoft Agreements is highly confidential and protected business information. This information is not available to the public and was expressly agreed upon with the condition that such information remain confidential.

5. Microsoft has an interest in keeping information relating to the terms on which it is willing to settle from the public and would be seriously harmed if such information was publicly disclosed. Disclosing the specific amount Microsoft was willing to pay in the Microsoft Agreements would irreversibly hamper Microsoft's bargaining power and its ability secure favorable settlements and patent licensing agreements in the future. Microsoft's bargaining position would be undermined if hopeful licensors and/or litigants were aware of the terms Microsoft had previously agreed to in similar settlement agreements. Further, the disclose of the settlement/licensing sum would provide Microsoft's competitors with highly confidential information that they could use to compete with Microsoft to its disadvantage in the marketplace.

6. Microsoft keeps the confidential information regarding its licensing and settlement agreements, such as the Microsoft and MMI Agreements, secure and confidential in the ordinary course of business. This information is, for example, maintained by Microsoft in secured servers, in secured offices, access is limited within Microsoft, and has always been protected from public disclosure to any third parties.

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

Executed on July 21, 2023

/s/ Daniel Foster

Daniel Foster)

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2023, copies of the foregoing were caused to be served upon the following in the manner indicated:

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