

1 BLACK & WASHKO LLP
Bradford J. Black (SBN 252031)
2 bblack@bwlitigation.com
Frank M. Washko (SBN 252010)
3 fwashko@bwlitigation.com
333 Main Street, Suite 2A
4 San Francisco, California 94105
Telephone: 415-369-9423
5 Facsimile: 415-520-6840

6 DESMARAIS LLP
7 John M. Desmarais (*pro hac vice*)
jdesmarais@desmaraisllp.com
8 Michael P. Stadnick (*pro hac vice*)
mstadnick@desmaraisllp.com
9 230 Park Avenue
10 New York, New York 10169
Telephone: 212-351-3400
11 Facsimile: 212-351-3401

12 *Attorneys for Defendants*

13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16
17 XILINX, INC.,

18 Plaintiff,

19 v.

20
21 INVENTION INVESTMENT FUND I LP,
22 INVENTION INVESTMENT FUND II LLC,
23 INTELLECTUAL VENTURES LLC,
24 INTELLECTUAL VENTURES
MANAGEMENT LLC,
25 INTELLECTUAL VENTURES I LLC, and
INTELLECTUAL VENTURES II LLC,

26 Defendants.
27

Case No. 11-cv-0671-LHK

**DECLARATION OF BRADFORD J.
BLACK IN SUPPORT OF
DEFENDANTS' MOTION TO FILE
UNDER SEAL ITS CERTIFICATE OF
INTERESTED ENTITIES OR PERSONS
PURSUANT TO CIVIL LOCAL RULE 3-
16 AND F.R.C.P. 7.1**

IVM v. Xilinx
Exhibit - XLNX-2003
Trial Number: IPR2012-00023

1 I, Bradford J. Black, declare that:

2 1. I am a partner of the law firm Black & Washko LLP and counsel for Defendants in the
3 present action. I am competent to give this Declaration. Except where otherwise indicated, I make this
4 Declaration based on personal knowledge.

5 2. I conferred via telephone with Laurie M. Charrington, counsel for Plaintiff, regarding
6 Defendants' Administrative Motion to File Under Seal Its Certificate of Interested Entities or Persons
7 Pursuant to Civil Local Rule 3-16 and F.R.C.P. 7.1 ("Defendants' Motion to Seal") on April 8, 2011 and
8 April 11, 2011.

9 3. On April 08, 2011, I offered, on behalf of Defendants, to serve Plaintiff's counsel with an
10 unredacted copy of Defendants' Certificate of Interested Entities or Persons Pursuant to Civil Local Rule
11 3-16 and F.R.C.P. 7.1 ("Defendants' Certificate"), provided Plaintiff would agree to treat the document
12 as "Attorneys' Eyes Only" and restrict its distribution to outside counsel only.

13 4. On April 08, 2011, Ms. Charrington claimed she could not stipulate to Defendants'
14 Motion to Seal without knowing whether Xilinx's General Counsel would also be able to view
15 Defendants' Certificate.

16 5. On April 11, 2011, Ms. Charrington stated she would not stipulate to Defendants' Motion
17 to Seal without Xilinx's General Counsel being permitted to view Defendants' Certificate in unredacted
18 form.

19 6. On April 12, 2011, I asked Ms. Charrington to confirm through e-mail that she would not
20 stipulate to Defendants' Motion to Seal unless Xilinx's General Counsel was permitted to view
21 Defendants' Certificate in unredacted form.

22 7. Ms. Charrington confirmed on April 12, 2011 through e-mail that "Xilinx will not
23 stipulate to IV's Administrative Motion to File IV's Certificate Under Seal, if such Motion would prevent
24 us from sharing IV's Certificate with Xilinx's General Counsel."

25
26 I declare under penalty of perjury that the foregoing is true and correct.
27

1 Executed in San Francisco, CA.

2

3

DATED: April 12, 2011

4

Bradford J. Black /s/

5

Bradford J. Black

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

--