

EXHIBIT 5

3:18-cv-00360-WHA
Docket Number 168-9
SEALED

**JACOBS DECLARATION
EXHIBIT G**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNILOC 2017 LLC; and UNILOC
LUXEMBOURG, S.A.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case Nos. 3:18-cv-00360-WHA
3:18-cv-00363-WHA
3:18-cv-00365-WHA
3:18-cv-00572-WHA

DECLARATION OF 

1 I, [REDACTED] hereby declare as follows:

2 1. I am the Chief Financial Officer of [REDACTED]

3 2. [REDACTED] entered into a settlement and license agreement (“Agreement”) with Uniloc
4 in [REDACTED] views the Agreement, and the information contained therein, as
5 confidential and proprietary to [REDACTED]

6 3. The Agreement states that the parties may disclose that they have settled the
7 litigation between them. But, the Agreement also states that they parties shall keep the material
8 terms of the Agreement confidential, and that such terms may only be disclosed in the course of
9 litigation if subject to a protective order.

10 4. The Agreement contains information regarding how [REDACTED] conducts its business in
11 the course of patent litigation. Public disclose of this information, including in particular [REDACTED]
12 identity and the payment made for the license, would be damaging to [REDACTED] financial interests.
13 As such, [REDACTED] considers this information a trade secret and does not want it disclosed. [REDACTED]
14 have great respect for Judge Alsup whose name is known even on this side of [REDACTED] for his
15 wisdom in IP cases and we understand that our concerns are a small part of a much wider picture,
16 but our concerns are these. [REDACTED] are a small [REDACTED] which represents [REDACTED]
17 [REDACTED] and which has a long track record of doing good works with our limited profits. We
18 have donated over \$6 million to charitable causes, including DNA and cancer research and have
19 pledged to give 10% of our ongoing operating profit to charity. We agreed to settle this case and
20 enter this Agreement not because of its merits but because of the high cost of defense and the risk
21 of a trial to our small company. Further legal attacks of this sort are an existential threat to our
22 business and we do not wish to become the target of other Non-practicing entities. We believe that
23 publicising our name and the settlement amount make that more likely to happen and when we
24 agreed to a settlement the confidentiality was vital to us and should be honored. We would not have
25 entered the Agreement without this and are disappointed that our details have been released in
26 advertently in this way. We therefore respectfully request that our name and the settlement amount
27 be kept sealed if possible.

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

Executed on 14 February 2019,

