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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WHATSAPP INC., a Delaware corporation,)
and FACEBOOK, INC., a Delaware)
corporation,)

Plaintiffs,)

v.)

NSO GROUP TECHNOLOGIES LIMITED)
and Q CYBER TECHNOLOGIES LIMITED,)

Defendants.)

Case No. 4:19-cv-07123-PJH

**DECLARATION OF ANTONIO J.
PEREZ-MARQUES IN SUPPORT OF
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE PORTIONS OF
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION TO STRIKE
AFFIRMATIVE DEFENSES UNDER
SEAL**

1 I, Antonio J. Perez-Marques, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of New York, and a
3 partner with the law firm of Davis Polk & Wardwell LLP, counsel to Plaintiffs WhatsApp Inc. and
4 Facebook, Inc. (“Plaintiffs”), in the above-captioned matter. I am admitted pro hac vice in the
5 above-captioned matter. Except for those matters on information and belief, which I believe to be
6 true, the statements made herein are based on my personal knowledge and if called as a witness, I
7 could and would competently testify thereto.

8 2. I submit this declaration pursuant to Civil Local Rule 79-5 in support of the
9 Administrative Motion to File Portions of Memorandum of Points and Authorities in Support of
10 Plaintiffs’ Motion to Strike Affirmative Defenses Under Seal filed concurrently herewith.

11 3. Attached hereto as Exhibit A is a true and correct copy of the redacted version of the
12 Memorandum of Points and Authorities in Support of Plaintiffs’ Motion to Strike Affirmative
13 Defenses Under Seal.

14 4. Attached hereto as Exhibit B is a true and correct copy of the unredacted version of
15 the Memorandum of Points and Authorities in Support of Plaintiffs’ Motion to Strike Affirmative
16 Defenses Under Seal.

17 5. The redacted portions of the document refer to materials that have been designated
18 by Defendants as “Highly Confidential – Attorney’s Eyes Only” pursuant to the August 31, 2020
19 Stipulated Protective Order (ECF No. 132) in the above-captioned action, and Defendants have
20 sought leave to file those materials, and all references to those materials, under seal (ECF No. 133).
21 Plaintiffs take no position as to whether the designated documents satisfy the requirements for
22 sealing, and specifically reserve the right to challenge any confidentiality designations under the
23 Stipulated Protective Order governing this Action as well as the sealability of the documents at
24 issue.

1 I declare under the penalty of perjury that the foregoing is true and correct.

2 Executed this 10th day of September 2020 in East Hampton, New York.

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4 /s/ Antonio J. Perez-Marques
5 Antonio J. Perez-Marques
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