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 LTD., SAMSUNG ELECTRONICS AMERICA,  
 14 INC. and SAMSUNG  
 TELECOMMUNICATIONS AMERICA, LLC  
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16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
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19 APPLE INC., a California corporation,  
 20 Plaintiff,  
 21 vs.  
 22 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 23 ELECTRONICS AMERICA, INC., a New  
 York corporation; SAMSUNG  
 24 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,  
 25 Defendants.  
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CASE NO. 11-cv-01846-LHK

**DECLARATION OF KETAN PATEL IN  
 SUPPORT OF SAMSUNG'S  
 ADMINISTRATIVE MOTION TO FILE  
 DOCUMENTS UNDER SEAL,  
 PURSUANT TO LOCAL RULE 79-5(d)**

28 02198.51845/4784109.1

1 Pursuant to Civil L.R. 79-5(d), Defendants Samsung Electronics Co., Ltd., Samsung  
2 Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively,  
3 “Samsung”) submit the appended declaration of Ketan Patel in Support of Apple’s Administrative  
4 Motion to File Documents Under Seal to establish that the following are sealable:

- 5 • The confidential, unredacted version of Samsung’s Opposition to Apple’s Motion For  
6 Summary Judgment of Non-Infringement of U.S. Patent Number 7,362,867 and  
7 Invalidity of U.S. Patent Numbers 7,456,893 and 7,577,460;
- 8 • The confidential, unredacted version of the Declaration of Richard D. Wesel, Ph.D. in  
9 Support of Samsung’s Opposition to Apple Apple’s Motion For Summary Judgment of  
10 Non-Infringement of U.S. Patent Number 7,362,867 and Invalidity of U.S. Patent  
11 Numbers 7,456,893 and 7,577,460;
- 12 • Exhibits I-K and M-O to the Wesel Declaration.

13 **DECLARATION OF KETAN PATEL**

14 I, Ketan Patel, do hereby declare as follows:

15 1. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP, counsel for  
16 Samsung. I submit this Declaration in support of Samsung’s Administrative Motion to File  
17 Documents Under Seal. I have personal knowledge of the facts set forth in this Declaration and, if  
18 called as a witness, could and would competently testify to them.

19 2. The Wesel Declaration has been designated HIGHLY CONFIDENTIAL —  
20 ATTORNEYS’ EYES ONLY and contains confidential information of third parties, such as Intel  
21 Corporation, including references to product specification for and source code implemented in  
22 Intel’s X-GOLD™ 608 and 61X broadband processors and the confidential depositions of Dr.  
23 Richard D. Wesel, Ph.D. and Dr. Wayne Stark, Ph.D. This information is confidential and  
24 proprietary, and could be used by competitors to the detriment of third parties if not filed under  
25 seal.

26 3. Exhibit I to the Wesel Declaration is a copy of the Product Specification for the  
27 Intel/Infineon X-GOLD™ 61X broadband processor. This document, which has been designated

1 HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY, contains confidential information  
2 of third parties, such as Intel Corporation, which were produced by Intel pursuant to the protective  
3 order in this litigation. This information is confidential and proprietary, and could be used by  
4 competitors to the detriment of third parties if not filed under seal.

5 4. Exhibit J to the Wesel Declaration is a copy of the Product Specification for the  
6 Intel/Infineon X-GOLD™ 608 HEDGE Baseband Chip. This document, which has been  
7 designated HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY, contains confidential  
8 information of third parties, such as Intel Corporation, which were produced by Intel pursuant to  
9 the protective order in this litigation. This information is confidential and proprietary, and could  
10 be used by competitors to the detriment of third parties if not filed under seal.

11 5. Exhibit K to the Wesel Declaration is a copy of an Intel/Infineon document entitled  
12 “3G Scrambling Codes (25.211)” describing Intel’s analysis of the 3GPP Standard. This  
13 document, which has been designated HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES  
14 ONLY, contains confidential information of third parties, such as Intel Corporation, which were  
15 produced by Intel pursuant to the protective order in this litigation. This information is  
16 confidential and proprietary, and could be used by competitors to the detriment of third parties if  
17 not filed under seal.

18 6. Exhibit M to the Wesel Declaration is an excerpt of the deposition transcript of  
19 Jason Shi. This document, which has been designated HIGHLY CONFIDENTIAL —  
20 ATTORNEYS’ EYES ONLY, contains sensitive commercial information regarding the operation  
21 of the accused Apple products’ baseband processors, as well as software installed on the accused  
22 products. This information is confidential and proprietary, and could be used by competitors to  
23 the detriment of Apple and third parties if not filed under seal.

24 7. Exhibit N to the Wesel Declaration is an excerpt of the deposition transcript of  
25 Markus Paltian. This document, which has been designated HIGHLY CONFIDENTIAL —  
26 ATTORNEYS’ EYES ONLY, contains confidential information of third parties, such as Intel  
27 Corporation, which was produced by Intel pursuant to the protective order in this litigation. This  
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1 document also contains sensitive commercial information regarding the operation of Intel's  
2 baseband processors, as well as software installed on the accused products. This information is  
3 confidential and proprietary, and could be used by competitors to the detriment of third parties if  
4 not filed under seal.

5         8. Exhibit O to the Wesel Declaration is an excerpt of the deposition transcript of  
6 Andre Zorn. This document, which has been designated HIGHLY CONFIDENTIAL —  
7 ATTORNEYS' EYES ONLY, contains confidential information of third parties, such as Intel  
8 Corporation, which was produced by Intel pursuant to the protective order in this litigation. This  
9 document also contains sensitive commercial information regarding the operation of Intel's  
10 baseband processors, as well as software installed on the accused products. This information is  
11 confidential and proprietary, and could be used by competitors to the detriment of third parties if  
12 not filed under seal.

13         9. Samsung's Opposition to Apple's Motion For Summary Judgment summarizes,  
14 describes and/or directly cites to the confidential Wesel Declaration and the confidential exhibits  
15 discussed in paragraphs 2 through 8 above. Therefore, the Motion should remain under seal for  
16 the same reasons articulated above.

17         10. The requested relief is necessary and narrowly tailored to protect this confidential  
18 information.

19

20         I declare under penalty of perjury that the forgoing is true and correct to the best of my  
21 knowledge.

22         Executed this 31<sup>st</sup> day of May, 2012, in New York, NY.

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*/s/ Ketan Patel*

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Ketan Patel

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1 **General Order 45 Attestation**

2 I, Victoria F. Maroulis, am the EF user whose ID and password are being used to file this  
3 Declaration. In compliance with General Order 45(X)(B), I hereby attest that Ketan Patel has  
4 concurred in this filing.

5  
6 /s/ Victoria Maroulis

Victoria Maroulis

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