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CO., LTD., SAMSUNG ELECTRONICS
14 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

21 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
22 ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
23 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

24 Defendants.
25

CASE NO. 11-cv-01846-LHK

**DECLARATION OF HANKIL KANG IN
SUPPORT OF SAMSUNG'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

1 I Hankil Kang, declare:

2 1. I am Legal Counsel at Samsung Electronics Co., Ltd. ("SEC"). I submit
3 this declaration in support of Samsung's Administrative Motion to File Documents Under Seal,
4 filed by SEC, Samsung Electronics America, Inc. ("SEA") and Samsung Telecommunications
5 America, LLC ("STA") (collectively, "Samsung").

6 2. The requested relief is necessary to protect the confidentiality of
7 information contained in Samsung's Oppositions to (1) Apple's Motion to Exclude Expert
8 Testimony of Samsung's Experts ("Motion to Exclude") and (2) Apple's Motion to Strike Portions
9 of Samsung's Expert Reports. ("Motion to Strike"), and associated documents, declarations and
10 exhibits.

11 3. Exhibit D to Joby Martin's Declaration in Support of Samsung's Opposition
12 to Apple's Motion to Exclude is the Expert Report of Sam Lucente. This document contains
13 confidential business research that underlies Samsung's user interface designs and could have
14 applications to future products. This information could be used to Samsung's detriment if it is
15 made public.

16 4. Exhibit E to Joby Martin's Declaration in Support of Samsung's Opposition
17 to Apple's Motion to Exclude is the deposition transcript of Sam Lucente. This document contains
18 confidential business research that underlies Samsung's user interface designs and could have
19 applications to future products. This information could be used to Samsung's detriment if it is
20 made public.

21 5. Exhibit F to Joby Martin's Declaration in Support of Samsung's Opposition
22 to Apple's Motion to Exclude is the Corrected Rebuttal Report of Sam Lucente. This document
23 contains confidential business research that underlies Samsung's user interface designs and could
24 have applications to future products. This information could be used to Samsung's detriment if it
25 is made public.

26 6. On April 27, 2012, Samsung took the deposition of Dr. Susan Kare in this
27 case. The transcript of that deposition is Exhibit G to Joby Martin's Declaration in Support of
28 Samsung's Opposition to Apple's Motion to Exclude. The deposition transcript references

1 Samsung's user interface, and the Expert Report of Sam Lucente and therefore contains
2 confidential business research that underlies Samsung's user interface designs and could have
3 applications to future products. This information could be used to Samsung's detriment if it is
4 made public.

5 7. Exhibit O to Joby Martin's Declaration in Support of Samsung's Opposition
6 to Apple's Motion to Exclude is the Expert Report of Michael J. Wagner. This document
7 contains non-public, confidential financial information and describes Samsung's profits and losses.
8 Samsung's financial information is highly confidential to it and could be used by competitors to
9 Samsung's disadvantage if it is made public.

10 8. Exhibit Q to Joby Martin's Declaration in Support of Samsung's Opposition
11 to Apple's Motion to Exclude is a copy of excerpts from "J.D. Power and Associates: 2011
12 Wireless Smartphone Satisfaction Study(SM) – Management Report" bearing Bates
13 SAMNDCA10246338, and SAMNDCA10246383-90. This document contains non-public
14 competition research that could be used by Samsung's competitors to Samsung's detriment. It has
15 been marked HIGHLY CONFIDENTIAL – ATTORNEY'S EYES ONLY, and should be sealed.

16 9. Exhibit B to James Ward's Declaration in Support of Samsung's Opposition
17 to Apple's Motion to Strike is a copy of the Expert Report of Stephen Gray Regarding Invalidity of
18 U.S. Patent Nos. 7,884,915 and 7,864,163. This document, which has been designated HIGHLY
19 CONFIDENTIAL — ATTORNEYS' EYES ONLY, contains confidential information of third
20 parties, such as Mitsubishi Electronics Research Laboratories, including the source code
21 implemented in the DiamondTouch System. This information is confidential and proprietary,
22 and could be used by competitors to the detriment of third parties if not filed under seal.

23 10. On March 9, 2012, Apple took the deposition of Adam Bogue in the case of
24 *In the Matter of Certain Portable Electronic Devices and Related Software* Inv. No. 337-TA-797.
25 The transcript of that deposition is Exhibit C to James Ward's Declaration in Support of Samsung's
26 Opposition to Apple's Motion to Strike. The deposition transcript contains highly sensitive
27 commercial information concerning the design and development of MERL products. This
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1 information is confidential and proprietary to MERL and could be used to its disadvantage if it
2 were not filed under seal.

3 11. On March 8, 2012, Apple took the deposition of Clifton Forlines in the case
4 of *In the Matter of Certain Portable Electronic Devices and Related Software* Inv. No. 337-TA-
5 797. The transcript of that deposition is Exhibit D to James Ward's Declaration in Support of
6 Samsung's Opposition to Apple's Motion to Strike. The deposition transcript contains highly
7 sensitive commercial information concerning the design and development of HTC products.
8 This information is confidential and proprietary to HTC and could be used to its disadvantage if it
9 were not filed under seal.

10 12. Exhibit E to James Ward's Declaration in Support of Samsung's Opposition
11 to Apple's Motion to Strike is MERL's non-public confidential source code. This information is
12 highly sensitive and could be used to MERL's disadvantage if it were not filed under seal.

13 13. Exhibit M to James Ward's Declaration in Support of Samsung's Opposition
14 to Apple's Motion to Strike is the Expert Report of Jeffrey Johnson. This document contains
15 confidential Samsung and third-party information concerning how the firmware operates on the
16 accused Samsung devices. This information is highly sensitive and could be used to the
17 disadvantage of Samsung and third parties if it were not filed under seal.

18 14. On April 26, 2012 Apple took the deposition of Dr. Jeffery Johnson in this
19 case. The transcript of that deposition is Exhibit Q to James Ward's Declaration in Support of
20 Samsung's Opposition to Apple's Motion to Strike. The transcript contains information regarding
21 the internal operation of Samsung's gallery application, internal operation of Samsung's design –
22 arounds and confidential emails created during the design and development of the accused
23 products. This information could be used to Samsung's disadvantage if it were not filed under
24 seal.

25 15. Ex. S to James Ward's Declaration in Support of Samsung's Opposition to
26 Apple's Motion to Strike is the Rebuttal Expert Report of Mr. Stephen Gray. This document,
27 which has been designated HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY,
28 contains confidential information of third parties, such as Mitsubishi Electronics Research

1 Laboratories, including the source code implemented in the DiamondTouch System. This
2 information is confidential and proprietary, and could be used by competitors to the detriment of
3 third parties if not filed under seal.

4 16. Exhibit U to James Ward's Declaration in Support of Samsung's Opposition
5 to Apple's Motion to Strike is the Rebuttal Expert Report of Stephen Gray. This report discusses
6 the operation of highly confidential Samsung source code and contains excerpts from testimony
7 discussing the same. This information could be used to Samsung's disadvantage if it were not
8 filed under seal.

9 17. Exhibit BB to James Ward's Declaration in Support of Samsung's
10 Opposition to Apple's Motion to Strike is the Expert Report of Dr. Tim A. Williams. This
11 document contains Apple confidential information, and has been marked HIGHLY
12 CONFIDENTIAL – ATTORNEY'S EYES ONLY. Samsung expects Apple will file the
13 declaration required by Local Rule 79-5(d) to establish this document as sealable.

14 18. Exhibit DD to James Ward's Declaration in Support of Samsung's
15 Opposition to Apple's Motion to Strike is a copy of excerpts from the May 12, 2012 deposition of
16 Michael J. Wagner. This document contains non-public, confidential financial information and
17 describes Samsung's profits and losses. Samsung's financial information is highly confidential to
18 it and could be used by competitors to Samsung's disadvantage if it is made public.

19 19. Exhibit EE to James Ward's Declaration in Support of Samsung's
20 Opposition to Apple's Motion to Strike is the Expert Report of Michael J. Wagner. This
21 document contains non-public, confidential financial information and describes Samsung's profits
22 and losses. Samsung's financial information is highly confidential to it and could be used by
23 competitors to Samsung's disadvantage if it is made public.

24 20. Exhibit FF to James Ward's Declaration in Support of Samsung's
25 Opposition to Apple' Motion to Strike is the Expert Report of Terry L. Musika. This document
26 contains non-public, confidential financial information and describes Samsung's profits and losses.
27 Samsung's financial information is highly confidential to it and could be used by competitors to
28 Samsung's disadvantage if it is made public.

1 21. Exhibit 1 to Joby Martin's Declaration in Support of Samsung's Opposition
2 to Apple's Motion to Strike is a March 11, 2012 letter from Apple's counsel to Samsung's counsel.
3 This document contains sensitive commercial information regarding Samsung's financial
4 documents, the internal structure and organization of Samsung groups and departments, and the
5 development of the accused products. It has been marked HIGHLY CONFIDENTIAL –
6 ATTORNEY'S EYES ONLY, and should be sealed.

7 22. Exhibit 3 to Joby Martin's Declaration in Support of Samsung's Opposition
8 to Apple's Motion to Strike is Respondent Samsung Electronics Co., Ltd.'s Eighth Set of
9 Supplemental Responses to Complainant's First Set of Interrogatories. This document contains
10 Apple confidential business information, and has been marked HIGHLY CONFIDENTIAL –
11 ATTORNEY'S EYES ONLY. Samsung expects Apple will file the declaration required by
12 Local Rule 79-5(d) to establish this document as sealable.

13 23. Exhibit 4 to Joby Martin's Declaration in Support of Samsung's Opposition
14 to Apple's Motion to Strike is Samsung's Amended and Supplemental Initial Disclosures Pursuant
15 to Fed R. Civ. P 26(a)(1). This document contains the identity of Samsung's custodians and
16 numerous employees. This information reflects the design and development of Samsung's
17 internal, confidential, business organization, practices and procedures and could be used to
18 Samsung's detriment if made public. It has been marked HIGHLY CONFIDENTIAL –
19 ATTORNEY'S EYES ONLY, and should be sealed.

20 24. Exhibit 5 to Joby Martin's Declaration in Support of Samsung's Opposition
21 to Apple's Motion to Strike is Samsung's Initial Disclosures Pursuant to Red. R. Civ. P. 26(a)(1).
22 This document contains the identity of Samsung's custodians and numerous employees. This
23 information reflects the design and development of Samsung's internal, confidential, business
24 organization, practices and procedures and could be used to Samsung's detriment if made public.

25 25. Exhibit 6 to Joby Martin's Declaration in Support of Samsung's Opposition
26 to Apple's Motion to Strike is a copy of excerpts from the February 29, 2012 deposition transcript
27 of Hyoung-Shin Park. This document contains sensitive commercial information regarding the
28 design and development of Samsung products, and could be used to Samsung's detriment if made

1 public. It has been marked HIGHLY CONFIDENTIAL – ATTORNEY'S EYES ONLY, and
2 should be sealed..

3 26. Exhibit 7 to Joby Martin's Declaration in Support of Samsung's Opposition
4 to Apple's Motion to Strike is a November 1, 2011 letter from Samsung's counsel to Apple's
5 counsel. This letter quotes from documents that Apple has marked HIGHLY CONFIDENTIAL
6 – ATTORNEY'S EYES ONLY. Samsung expects Apple will file the declaration required by
7 Local Rule 79-5(d) to establish this document as sealable.

8 27. Exhibit 8 to Joby Martin's Declaration in Support of Samsung's Opposition
9 to Apple's Motion to Strike is a November 8, 2011 letter from Samsung's counsel to Apple's
10 counsel. This letter quotes from documents that Apple has marked HIGHLY CONFIDENTIAL
11 – ATTORNEY'S EYES ONLY. Samsung expects Apple will file the declaration required by
12 Local Rule 79-5(d) to establish this document as sealable.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed
14 in Seoul, Korea May 31, 2012.

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QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Hankil Kang
Hankil Kang