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19 Attorneys for SAMSUNG ELECTRONICS CO.,
20 LTD., SAMSUNG ELECTRONICS AMERICA,
21 INC. and SAMSUNG
22 TELECOMMUNICATIONS AMERICA, LLC

23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

25 APPLE INC., a California corporation,

26 Plaintiff,

27 vs.

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

Defendant.

CASE NO. 11-cv-01846-LHK (PSG)

**DECLARATION OF JOBY MARTIN IN
SUPPORT OF APPLE'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

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 Joby Martin in support of Apple's Administrative
4 Motion to File Documents Under Seal (Dkt. No. 996), to establish that the following are sealable:

- 5 • Exhibits C and D to the Declaration of Michel Maharbiz, Ph.D. in Support of Apple’s
6 Opposition to Samsung’s Motion to Strike Expert Testimony (“Maharbiz
7 Declaration”); and
- 8 • Exhibits 1-4, 10, and 14 to the Declaration of Marc J. Pernick in Support of Apple’s
9 Opposition to Samsung’s Motion to Strike Expert Testimony (“Pernick Declaration”).

10 **DECLARATION OF JOBY MARTIN**

11 I, Joby Martin, do hereby declare as follows:

12 1. I am an associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
13 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
14 Telecommunications America, LLC (collectively, “Samsung”). I submit this declaration in
15 support of Apple's Administrative Motion to File Documents Under Seal. I have personal
16 knowledge of the facts set forth in this declaration and, if called upon as a witness, I could and
17 would testify to such facts under oath.

18 2. Exhibit C to the Maharbiz Declaration is a document produced by Samsung in this
19 litigation, bearing Bates label SAMNDCA10903768. This document, which has been designated
20 HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY under the protective order, contains
21 sensitive commercial information regarding the operation and configuration of the touchscreens in
22 the accused Samsung products, and is subject to a non-disclosure agreement between Atmel Corp.
23 and Samsung. This information is confidential and proprietary to Samsung, and could be used to
24 its disadvantage by competitors if this documents were not filed under seal.

25 3. Exhibit D to the Maharbiz Declaration is a document produced by third party
26 Atmel Corp. in this litigation, bearing Bates label ATMEL-SAMSUNG00000288. This
27 document, which has been designated HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY
28 under the protective order, contains sensitive commercial information regarding the operation and

1 configuration of the touchscreens in the accused Samsung products, and is subject to a non-
2 disclosure agreement between Atmel Corp. and Samsung. This information is confidential and
3 proprietary to Samsung, and could be used to its disadvantage by competitors if this documents
4 were not filed under seal.

5 4. Exhibit 1 to the Pernick Declaration is a copy of Samsung's Supplemental
6 Objections and Responses to Apple's Sixteenth Set of Interrogatories (No. 81). This document,
7 which has been designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the
8 protective order, contains sensitive commercial information regarding the operation and
9 components of Samsung's touchscreens. This information is confidential and proprietary to
10 Samsung, and could be used to its disadvantage by competitors if this documents were not filed
11 under seal.

12 5. Exhibit 2 to the Pernick Declaration is a copy of Samsung's Second Supplemental
13 Objections and Responses to Apple's Sixteenth Set of Interrogatories (No. 81). This document,
14 which has been designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the
15 protective order, contains sensitive commercial information regarding the operation and
16 components of Samsung's touchscreens. This information is confidential and proprietary to
17 Samsung, and could be used to its disadvantage by competitors if this documents were not filed
18 under seal.

19 6. Exhibit 3 to the Pernick Declaration is a copy of the April 19, 2012 deposition
20 transcript of Michel Maharbiz, Ph.D. This document, which has been designated HIGHLY
21 CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains sensitive
22 commercial information regarding Dr. Maharbiz's teardown of Samsung products, and discusses
23 the structure and operation of Samsung's touchscreens. This information is confidential and
24 proprietary to Samsung, and could be used to its disadvantage by competitors if this documents
25 were not filed under seal.

26 7. Exhibit 4 to the Pernick Declaration consists of excerpts from the April 27, 2012
27 deposition transcript of Brian Von Herzen, Ph.D. This document, which has been designated
28 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains

1 sensitive commercial information regarding the structure and operation of Samsung's
2 touchscreens. the operation and components of Samsung's touchscreens. This information is
3 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if
4 this documents were not filed under seal.

5 8. Exhibit 10 to the Pernick Declaration is an unredacted copy of the Expert Report of
6 Tony D. Givargis, Ph.D. Regarding the Invalidity of the Asserted Claims of U.S. Patent No.
7 7,698,711. This document, which has been designated HIGHLY CONFIDENTIAL-
8 ATTORNEYS' EYES ONLY under the protective order, contains confidential financial
9 information concerning Samsung products embodying the '711 patent and inventor's testimony
10 regarding the development process that lead up the '711 patent. This information is confidential
11 and proprietary to Samsung, and could be used to its disadvantage by competitors if this document
12 was not filed under seal.

13 9. Exhibit 14 to the Pernick Declaration is a letter from Samsung's counsel to Apple's
14 counsel, dated January 10, 2012. This letter contains sensitive commercial information
15 concerning Samsung's financial documents and recording system, certain marketing surveys
16 conducted by Samsung, and technical documents. This information is confidential and proprietary
17 to Samsung, and could be used to its disadvantage by competitors if this document was not filed
18 under seal.

19 10. The requested relief is necessary and narrowly tailored to protect this confidential
20 information.

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

24 Executed this 7th day of June, 2012, in San Francisco, California.

25
26 /s/ Joby Martin
27 Joby Martin

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General Order 45 Attestation

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

/s/ Victoria Maroulis