

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
 Charles K. Verhoeven (Bar No. 170151)  
 2 [charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)  
 50 California Street, 22<sup>nd</sup> Floor  
 3 San Francisco, California 94111  
 Telephone: (415) 875-6600  
 4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Bar No. 177129)  
[kevinjohnson@quinnemanuel.com](mailto:kevinjohnson@quinnemanuel.com)  
 6 Victoria F. Maroulis (Bar No. 202603)  
[victoriamaroulis@quinnemanuel.com](mailto:victoriamaroulis@quinnemanuel.com)  
 7 555 Twin Dolphin Drive, 5<sup>th</sup> Floor  
 Redwood Shores, California 94065-2139  
 8 Telephone: (650) 801-5000  
 Facsimile: (650) 801-5100

9 Michael T. Zeller (Bar No. 196417)  
 10 [michaelzeller@quinnemanuel.com](mailto:michaelzeller@quinnemanuel.com)  
 865 S. Figueroa St., 10th Floor  
 11 Los Angeles, California 90017  
 Telephone: (213) 443-3000  
 12 Facsimile: (213) 443-3100

13 Attorneys for SAMSUNG ELECTRONICS CO.,  
 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  
 18

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 Defendant.  
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CASE NO. 11-cv-01846-LHK  
**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 Motions to File Documents Under Seal (Dkt. Nos. 991, 997, 1004 and 1035), to establish that the  
5 following are sealable:

- 6 • Exhibits C – J, N – R, V, and X to the Declaration of Terry L. Musika, CPA in Support  
7 of Apple’s Opposition to Samsung’s Motion to Exclude Opinions of Certain of Apple’s  
8 Experts (“Musika Declaration”);
- 9 • Exhibits H, and I to the Declaration of Mia Mazza in Support of Apple’s Opposition to  
10 Samsung’s Motion to Exclude Opinions of Certain of Apple’s Experts (“Mazza  
11 Declaration”);
- 12 • The confidential, unredacted version of Apple's Opposition to Samsung's Motion For  
13 Summary Judgment;
- 14 • Exhibit A to the Declaration of Janusz A. Ordover, Ph.D. in Support of Apple’s  
15 Opposition to Samsung’s Motion for Summary Judgment (“Ordover Declaration”); and
- 16 • The confidential, unredacted version of Apple’s Opposition to Samsung’s Motion for  
17 Leave to File Motion for Reconsideration.

18 **DECLARATION OF JOBY MARTIN**

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

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

26 2. Exhibits C, D and E to the Musika Declaration consists of excerpts from the  
27 deposition transcripts of Samsung executives Justin Denison, Todd Pendleton, and Dale Sohn.  
28 These documents, which have been designated HIGHLY CONFIDENTIAL-ATTORNEYS’

1 EYES ONLY under the protective order, contain sensitive commercial information regarding  
2 Samsung's sales and marketing strategies in the United States, Samsung's market share and sales  
3 performance, and discuss the contents of confidential financial documents generated internally at  
4 Samsung. This information is confidential and proprietary to Samsung, and could be used to its  
5 disadvantage by competitors if these documents were not filed under seal.

6         3.         Exhibit F to the Musika Declaration is a document produced by Samsung in this  
7 litigation bearing Bates label SAMNDCA11547401. This document, which has been designated  
8 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
9 confidential business information concerning Samsung's competitive situation in the United States  
10 smartphone market, and Samsung's internal evaluation of developments in that market. This  
11 information is confidential and proprietary to Samsung, and could be used to its disadvantage by  
12 competitors if this document was not filed under seal.

13         4.         Exhibit G to the Musika Declaration is a document produced by Samsung in this  
14 litigation bearing Bates label SAMNDCA10375640. This document, which has been designated  
15 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
16 confidential business information concerning Samsung's marketing and sales strategies in the  
17 United States, business planning, product planning and market sensing. This information is  
18 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if  
19 this document was not filed under seal.

20         5.         Exhibit H to the Musika Declaration is a document produced by Samsung in this  
21 litigation bearing Bates label SAMNDCA11513944. This document, which has been designated  
22 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
23 confidential business information concerning Samsung's sales targets and marketing goals for  
24 2012, and discusses products which have not yet been released in the United States. This  
25 information is confidential and proprietary to Samsung, and could be used to its disadvantage by  
26 competitors if this document was not filed under seal.

27         6.         Exhibit I to the Musika Declaration is a translated copy of a document produced by  
28 Samsung in this litigation bearing Bates label SAMNDCA00401905. This document, which has

1 been designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective  
2 order, contains confidential business information concerning Samsung's sales targets for 2012,  
3 product planning and design goals, and strategies for emerging markets. This information is  
4 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if  
5 this document was not filed under seal.

6 7. Exhibit J to the Musika Declaration is document produced by Samsung in this  
7 litigation bearing Bates label SAMNDCA11547521. This document, which has been designated  
8 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
9 confidential business information concerning Samsung's ongoing relationship with AT&T, pricing  
10 and profitability issues, and advertising strategies. This information is confidential and  
11 proprietary to Samsung, and could be used to its disadvantage by competitors if this document was  
12 not filed under seal.

13 8. Exhibit N to the Musika Declaration is document produced by Samsung in this  
14 litigation bearing Bates label SAMNDCA00191811. This document, which has been designated  
15 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
16 confidential business information concerning consumer studies and market research conducted on  
17 behalf of Samsung. This information is confidential and proprietary to Samsung, and could be  
18 used to its disadvantage by competitors if this document was not filed under seal.

19 9. Exhibit O to the Musika Declaration is document produced by Samsung in this  
20 litigation bearing Bates label SAMNDCA11104115. This document, which has been designated  
21 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
22 confidential business information concerning consumer studies and market research conducted by  
23 Samsung, and plans for how to implement this information in Samsung's product development  
24 processes. This information is confidential and proprietary to Samsung, and could be used to its  
25 disadvantage by competitors if this document was not filed under seal.

26 10. Exhibit P to the Musika Declaration is document produced by Samsung in this  
27 litigation bearing Bates label SAMNDCA00525347. This document, which has been designated  
28 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains

1 confidential business information concerning the development and operation of certain features of  
2 Samsung's products. This information is confidential and proprietary to Samsung, and could be  
3 used to its disadvantage by competitors if this document was not filed under seal.

4 11. Exhibit Q to the Musika Declaration is document produced by Samsung in this  
5 litigation bearing Bates label SAMNDCA10249770. This document, which has been designated  
6 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
7 confidential business information concerning the design and development of Samsung's products  
8 and certain changes to Samsung's products that were considered during the development process.  
9 This information is confidential and proprietary to Samsung, and could be used to its disadvantage  
10 by competitors if this document was not filed under seal.

11 12. Exhibit R to the Musika Declaration is document produced by Samsung in this  
12 litigation bearing Bates label SAMNDCA10247373. This document, which has been designated  
13 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
14 confidential business information concerning the design goals for Samsung's user experience,  
15 feedback from carriers received by Samsung regarding its products, and Samsung's competitive  
16 focus. This information is confidential and proprietary to Samsung, and could be used to its  
17 disadvantage by competitors if this document was not filed under seal.

18 13. Exhibit V to the Musika Declaration is document produced by Samsung in this  
19 litigation bearing Bates label SAMNDCA10246338. This document, which has been designated  
20 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
21 confidential business information concerning consumer research conducted on behalf of Samsung,  
22 and the metrics used by Samsung in conducting consumer research. This information is  
23 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if  
24 this document was not filed under seal.

25 14. Exhibit X to the Musika Declaration is document produced by Samsung in this  
26 litigation bearing Bates label SAMNDCA10807316. This document, which has been designated  
27 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
28 confidential business information concerning consumer research and market sensing conducted on

1 behalf of Samsung, and the metrics used by Samsung in conducting consumer research. This  
2 information is confidential and proprietary to Samsung, and could be used to its disadvantage by  
3 competitors if this document was not filed under seal.

4 15. Exhibit H to the Mazza Declaration consists of excerpts from the March 6, 2012  
5 deposition transcript of Junwon Lee. This document, which has been designated HIGHLY  
6 CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains confidential  
7 information concerning Samsung's internal practices and strategies regarding its participation in  
8 standards-setting organizations and procuring patent protection. This information is confidential  
9 and proprietary to Samsung, and could be used to its disadvantage by competitors if this document  
10 was not filed under seal.

11 16. Exhibit I to the Mazza Declaration consists of excerpts from the May 2, 2012  
12 deposition transcript of Richard L. Donaldson. This document, which has been designated  
13 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the protective order, contains  
14 sensitive commercial information concerning Samsung's agreements with Intel Corporation  
15 ("Intel"), which are subject to a nondisclosure agreement, and the respective business practices of  
16 Samsung and Intel. This information is confidential and proprietary to Samsung, and would cause  
17 substantial harm to Samsung and its ongoing relationship with third party Intel Corporation if not  
18 filed under seal.

19 17. The confidential, unredacted version of Apple's Opposition to Samsung's Motion  
20 For Summary Judgment discusses, references or cites to Samsung source code, documents from  
21 the files of Samsung's employees concerning the design and development process of the accused  
22 products, and certain consumer studies conducted by or on behalf of Samsung. This information  
23 is confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if  
24 this document was not filed under seal.

25 18. Exhibit A to the Ordover Declaration is a copy of the Expert Report of Dr. Janusz  
26 A. Ordover. This document, which has been designated HIGHLY CONFIDENTIAL-  
27 ATTORNEYS' EYES ONLY under the protective order, contains sensitive commercial  
28 information concerning Samsung's internal strategies and practices in participating in standards-

1 setting organizations and procuring patent protection, valuations of Samsung's patent portfolio,  
2 confidential license negotiations between Samsung and Apple, and Samsung's licenses with third  
3 parties, the terms of which are subject to non-disclosure agreements. This information is  
4 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if  
5 this document was not filed under seal.

6 19. The confidential, unredacted version of Apple's Opposition to Samsung's Motion  
7 for Leave to File Motion for Reconsideration contains sensitive commercial information  
8 concerning Samsung's sales and inventories for the Galaxy Tab 10.1, Samsung's market share  
9 consumer studies conducted by or on behalf of Samsung. This information is confidential and  
10 proprietary to Samsung, and could be used to its disadvantage by competitors if this document was  
11 not filed under seal.

12

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

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

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/s/ Joby Martin

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