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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 BILL TRAC IN
 SUPPORT OF SAMSUNG'S
 ADMINISTRATIVE MOTIONS TO FILE
 DOCUMENTS UNDER SEAL**

1 I, Bill Trac, declare:

2 1. I am an associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung
4 Telecommunications America, LLC (collectively, "Samsung"). I submit this Declaration in
5 support of Samsung's Administrative Motions to File Documents Under Seal (Dkt. Nos. 1060,
6 1061, 1063, 1067 and 1069). I have personal knowledge of the facts set forth in this Declaration
7 and, if called as a witness, could and would competently testify to them.

8 2. The requested relief is necessary to protect the confidentiality of information
9 contained in the following documents:

- 10 a. The confidential, unredacted version of Samsung's Reply in Support of
11 Motion to Strike Expert Testimony Based on Undisclosed Facts and
Theories (Dkt Nos. 1060, 1067)
- 12 i. The confidential, unredacted version of the Declaration of Michael
13 J. Wagner in Support of the Reply ("Wagner Declaration");
14 (1) Exhibits B and C to the Wagner Declaration;
- 15 ii. Exhibits 1-6, 13, 20-21, and 29-30 to the Declaration of Christopher
16 E. Price in Support of the Reply ("Price Declaration");
- 17 iii. The confidential, unredacted version of the Declaration of Brian von
18 Herzen in Support of Samsung's Reply in Support of Motion to
Strike Expert Testimony Based on Undisclosed Facts and Theories
19 ("von Herzen Dec."); and
(1) Exhibits 4-6 to the von Herzen Dec;
- 20 b. The confidential, unredacted version of Samsung's Reply In Support of
21 Motion To Exclude Opinions of Certain of Apple's Experts; and
- 22 i. Exhibits 1 and 4-7 to the Reply Declaration of Joby Martin In
23 Support of Samsung's Motion to Exclude ("Martin Declaration");
- 24 c. The confidential, unredacted version of Samsung's Reply in Support of
Motion for Summary Judgment;
- 25 i. The confidential, unredacted version of the Declaration of Bill Trac
26 in Support of the Motion ("Trac Declaration");
27 (1) Exhibits 1-2, 8-10, 14-28 to the Trac Declaration

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ii. The confidential, unredacted version of the Supplemental Declaration of Adam Bogue; and

(1) Exhibits 1-3 to the Supplemental Bogue Declaration

3. Exhibit 7 to the Martin Declaration consists of excerpts from the May 2, 2012 deposition transcript of Michael Walker. Apple has designated this document HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. This document contains sensitive commercial information concerning Samsung technology as it relates to 3GPP standards, Samsung's internal strategy regarding participation in 3GPP and ETSI, Samsung's patent prosecution strategies, and Samsung's positions on the licensing of standards-essential patents. This information is confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed under seal. To the extent that this document contains Apple confidential information, Samsung trusts that Apple will file the declaration required by Civ. L. R. 79-5(d) establishing this document as sealable.

4. The unredacted version of Samsung's Reply In Support of Motion To Exclude Opinions of Certain of Apple's Experts contains sensitive commercial information relating to the Samsung's financial data. This information is confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed under seal. This document also references or cites to the confidential materials discussed in paragraph 3, and should therefore be sealed for all of the reasons described above.

5. Exhibit B to the Wagner Declaration is a copy of Volume I of the April 20, 2012 Corrected Expert Report of Michael J. Wagner. Portions of the Report contains sensitive commercial information relating to Samsung's financial data. The information is confidential and proprietary to Samsung and could be used to its disadvantage by competitors if it is not filed under seal.

6. Exhibit 25 to the Declaration of Bill Trac is a screenshot containing sensitive proprietary business information regarding Mitsubishi Electric Research Laboratories (MERL), a third-party in this case. In addition, the Trac Declaration describes the contents of this

1 screenshot. This information is confidential and proprietary to MERL and could be used to its
2 disadvantage by competitors if it is not filed under seal.

3 7. Exhibits 1-3 to the Supplemental Declaration of Adam Bogue are documents
4 containing sensitive marketing, financial, and technical information relating to Mitsubishi Electric
5 Research Laboratories (MERL), a third-party in this case. In addition, the Supplemental Bogue
6 Declaration describes the contents of these documents. This information is confidential and
7 proprietary to MERL and could be used to its disadvantage by competitors if it is not filed under
8 seal.

9 8. The remaining items are documents that have been designated by Apple as Highly
10 Confidential – Attorneys’ Eyes Only under the interim protective order, or reference other
11 information that may be Apple confidential. Samsung expects that, pursuant to Local Rule 79-5,
12 Apple will file a declaration establishing that the information therein is sealable.
13

14 I declare under penalty of perjury that the foregoing is true and correct. Executed in
15 Redwood Shores, California on June 8, 2012.
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17 */s/ Bill Trac* _____
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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 Bill Trac has concurred in this filing.

/s/ Victoria Maroulis