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14 Attorneys for SAMSUNG ELECTRONICS CO.,
 LTD., SAMSUNG ELECTRONICS AMERICA,
 15 INC. and SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC
 16

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
 19

20 APPLE INC., a California corporation,
 21 Plaintiff,
 22 vs.
 23 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 24 ELECTRONICS AMERICA, INC., a New
 York corporation; SAMSUNG
 25 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,
 26 Defendant.
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CASE NO. 11-cv-01846-LHK
**DECLARATION OF DANIEL SHIM IN
 SUPPORT OF APPLE'S
 ADMINISTRATIVE MOTION TO FILE
 DOCUMENTS UNDER SEAL**

1 I, Daniel Shim, declare:

2 1. I am Legal Counsel at Samsung Electronics Co., Ltd. ("SEC"). I submit this
3 declaration in support of Apple Inc.'s ("Apple's") Administrative Motion to File Documents
4 Under Seal. I have personal knowledge of the facts set forth in this declaration, except as
5 otherwise noted, and, if called as a witness, could and would testify to those facts under oath.

6 2. The requested relief is necessary to protect the confidentiality of information
7 contained in Apple's Reply in Support of Motion for Adverse Inference Jury Instructions Due to
8 Samsung's Spoliation of Evidence, and associated documents, declarations, and exhibits ("Reply")
9 (Dkt. 1047).

10 3. My May 29, 2012 Declaration in Support of Samsung's Administrative Motion to
11 File Documents Under Seal ("May 29 Shim Declaration") (Dkt. 987-1) in connection with
12 Samsung's Opposition to Apple's Motion for Adverse Inference Jury Instructions Due to
13 Samsung's Spoliation of Evidence ("Opposition") and the May 8, 2012 Declaration of Hankil
14 Kang in Support of Apple's Administrative Motion to File Documents Under Seal ("Kang
15 Declaration") (Dkt. 908) in connection with Apple's Motion for Adverse Inference Jury
16 Instructions Due to Samsung's Spoliation of Evidence ("Apple's Motion") are incorporated by
17 reference as if fully set out herein.

18 4. It is Samsung's policy not to disclose or describe its confidential business affairs,
19 practices, or structures, including the means with which it manages email to and from employees,
20 and the actions it takes in response to litigation. This information is confidential to Samsung. It is
21 indicative of the way that Samsung manages its business and conducts business strategy, and thus
22 it could be used by Samsung's competitors to Samsung's disadvantage.

23 5. It is further Samsung's policy not to disclose or describe the design or development
24 of products that it releases. This information is also confidential to Samsung. Such information is
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1 indicative of the way Samsung manages its business and conducts business strategy, and may also
2 contain information on unreleased or future products or features, and thus could be used by
3 Samsung's competitors to Samsung's disadvantage.

4 6. Exhibit 1 to the Reply Declaration of Esther Kim in Support of Apple's Motion for
5 Adverse Inference Jury Instructions ("Kim Declaration") is Samsung's Identification of
6 Custodians, Litigation Hold Notices and Search Terms, and Exhibits A to V thereto, served on
7 October 7, 2011. This document contains the identity and personal email addresses of Samsung's
8 custodians and numerous employees, search terms used by Samsung's counsel to conduct
9 litigation-related searches, litigation hold notices, and documents prepared by Samsung's counsel
10 in connection with litigation. This information reflects the design and development of Samsung's
11 products, Samsung's internal, confidential business organization, practices, and procedures, and
12 could be used to Samsung's detriment if made public. It has been marked HIGHLY
13 CONFIDENTIAL – ATTORNEYS' EYES ONLY, and should be sealed.

14 7. Exhibit 2 to the Kim Declaration is Samsung's Amended Identification of
15 Custodians, Litigation Hold Notices and Search Terms, and Exhibit V thereto, served on October
16 10, 2011. This document contains the identity of Samsung's custodians and numerous employees,
17 search terms used by Samsung's counsel to conduct litigation-related searches, litigation hold
18 notices, and documents prepared by Samsung's counsel in connection with litigation. This
19 information reflects the design and development of Samsung's products, Samsung's internal,
20 confidential business organization, practices, and procedures, and could be used to Samsung's
21 detriment if made public. It has been marked HIGHLY CONFIDENTIAL – ATTORNEYS'
22 EYES ONLY, and should be sealed.

23 8. Exhibit 3 to the Kim Declaration is Samsung's First Amended and Supplemental
24 Identification of Custodians, Litigation Hold Notices and Search Terms, and Exhibits A to U
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1 thereto, served on November 30, 2011. This document contains the identity and personal email
2 addresses of Samsung's custodians and numerous employees, search terms used by Samsung's
3 counsel to conduct litigation-related searches, litigation hold notices, and documents prepared by
4 Samsung's counsel in connection with litigation. This information reflects the design and
5 development of Samsung's products, Samsung's internal, confidential business organization,
6 practices, and procedures, and could be used to Samsung's detriment if made public. It has been
7 marked HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY, and should be sealed.
8

9 9. Exhibit 5 to the Kim Declaration is a table prepared by Apple summarizing
10 confidential documents produced by Samsung on May 26, 2012 from the custodial files of Joon-Il
11 Choi. The summaries reveal confidential information about, and identities of those involved in,
12 the design and development of Samsung's products, and should be sealed.
13

14 10. Exhibit 6 to the Kim Declaration is a January 29, 2012 letter from Marc Pernick to
15 Rachel Herrick Kassabian regarding certain documents produced by Samsung. The letter
16 describes the January 11, 2012 deposition of Ahyoung Kim. The deposition transcript itself has
17 been marked HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY. The letter reveals the
18 identity of a confidential Samsung project and discusses confidential information about the design
19 and development of Samsung products, and should be sealed.
20

21 11. Exhibit 7 to the Kim Declaration is a February 21, 2012 letter from Marc Pernick to
22 Rachel Herrick Kassabian regarding certain document produced by Samsung. The letter describes
23 the February 2, 2012 deposition of Jeeyun Wang. The deposition transcript itself has been
24 marked HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY. The letter discusses
25 Samsung's internal, confidential business organization, including the identities of Samsung
26 employees who worked on the design and development of Samsung products, and should be
27 sealed.
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1 12. Exhibit 10 to the Kim Declaration consists of a Korean-language Samsung
2 document bearing Bates SAMNDCA00044700, and what Apple has certified to be the accurate
3 English translation of the document. The document has been marked HIGHLY CONFIDENTIAL
4 – ATTORNEYS’ EYES ONLY. It contains information about, and the identities of those
5 involved in, the design and development of Samsung’s products, and should be sealed.
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7 13. Exhibit 11 to the Kim Declaration is excerpts from the February 28, 2012
8 deposition of Dongsub Kim. The deposition transcript has been marked HIGHLY
9 CONFIDENTIAL – ATTORNEYS’ EYES ONLY. These excerpts contain information about the
10 design and development of Samsung’s products, and should be sealed.

11 14. Exhibit 4 to the Kim Declaration is a condensed appendix in response to Exhibit 4
12 to the Declaration of Thomas Watson in Support of the Opposition (“Watson Declaration”) and
13 discusses and/or references confidential information described in paragraphs 3-34 of the Kang
14 Declaration, paragraphs 5-55 of the May 29 Shim Declaration, or paragraphs 6-13 above, and
15 should be sealed for the same reasons.
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17 15. The confidential, unredacted version of the Kim Declaration discusses and/or
18 references the information described in paragraphs 6-14 above, and should be sealed for the same
19 reasons.
20

21 16. The confidential, unredacted version of Apple’s Reply discusses and/or references
22 the information described in paragraphs 3-34 of the Kang Declaration, paragraphs 5-55 of the May
23 29 Shim Declaration, or paragraphs 6-13 above, and should be sealed for the same reasons.

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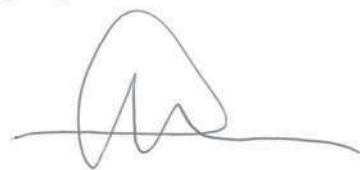
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I declare under penalty of perjury that the foregoing is true and correct. Executed in
Washington, D.C. on June 12, 2012.



Daniel Shim