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

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 Defendants.  
 26

CASE NO. 11-cv-01846-LHK  
**DECLARATION OF HANKIL KANG IN  
 SUPPORT OF APPLE'S  
 ADMINISTRATIVE MOTIONS TO FILE  
 DOCUMENTS UNDER SEAL**

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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 Hankil Kang in Support of Apple’s  
4 Administrative Motions to File Documents Under Seal (Dkt. Nos. 769, 799, 822, 824, and 845), to  
5 establish that the following are sealable:

- 6 • The confidential, unredacted version of Apple’s Reply in Support of Motion for Rule  
7 37(b)(2) Sanctions for Samsung’s Violation of Two Discovery Orders (Dkt. No. 769);
- 8 • The confidential, unredacted version of the Reply Declaration of Minn Chung in  
9 Support of Apple’s Motion for Rule 37(b)(2) Sanctions for Samsung’s Violation of  
10 Two Discovery Orders (“Chung Declaration”), and Exhibits A – S thereto;
- 11 • Exhibit to 2 to the Reply Declaration of Eric J. Olson in Support of Apple’s Motion for  
12 Rule 37(b)(2) Sanctions for Samsung’s Violation of Two Discovery Orders (“Olson  
13 Declaration”);
- 14 • The confidential, unredacted version of Apple’s Combined Reply in Support of Its  
15 Motion to Compel Depositions of Samsung’s Purported “Apex” Witnesses and  
16 Opposition to Samsung’s Motion for a Protective Order (“Apple’s Apex Reply”) (Dkt.  
17 No. 799);
- 18 • The confidential, unredacted version of the Declaration of Mia Mazza in Support of  
19 Apple’s Apex Reply (“Mazza Apex Declaration”), and Exhibits 5-32, 34, 35, and 38-  
20 40 thereto;
- 21 • The confidential, unredacted version of Apple’s Reply Brief in Support of Rule  
22 37(b)(2) Motion Re: Samsung’s Violation of January 27, 2012 Damages Discovery  
23 Order (“Apple’s Damages Sanctions Reply”) (Dkt. No. 822);
- 24 • The confidential, unredacted version of the Declaration of Erik J. Olson in Support of  
25 Apple’s Damages Sanctions Reply (“Olson Damages Declaration”), and Exhibits A, D  
26 and I thereto;

- 1 • The confidential, unredacted version of the Declaration of Eric R. Roberts in Support
- 2 of Apple’s Damages Sanctions Reply (“Roberts Declaration”), and Exhibits A - C
- 3 thereto;
- 4 • Exhibits 10 and 13-18 to the Declaration of Grant Kim in Support of Apple’s Damages
- 5 Sanctions Reply; and
- 6 • Exhibit D to the Reply Declaration of Marc J. Pernick in Support of Apple’s Rule
- 7 37(b)(2) Motion Based on Samsung’s Violation of the Court’s December 22, 2011
- 8 Order Regarding Source Code (“Pernick Declaration”) (Dkt. No. 845).

9 **DECLARATION OF HANKIL KANG**

10 I, Hankil Kang, do hereby declare as follows:

11 1. I am Legal Counsel at Samsung Electronics Co., Ltd. I submit this Declaration in

12 support of Apple’s Administrative Motions to File Documents Under Seal (Dkt. Nos. 769, 799,

13 822, 824, and 845). I have personal knowledge of the facts set forth in this Declaration and, if

14 called as a witness, could and would competently testify to them.

15 **Docket No. 769**

16 2. The originals of Exhibits A-S of the Reply Declaration of Minn Chung in Support

17 of Apple’s Motion for Rule 37(b)(2) Sanctions for Samsung’s Violation of Two Discovery Orders

18 are documents which were produced by Samsung in this matter with the designation HIGHLY

19 CONFIDENTIAL-ATTORNEYS’ EYES ONLY. These documents and their translations reveal

20 Samsung’s strategies regarding design, product development and engineering, consumer research

21 and marketing strategies, product evaluation and competitive analyses. These documents contain

22 highly confidential and commercially sensitive business information, including confidential

23 information from the files of Samsung’s designers and other employees relating to the design and

24 development of Samsung’s products, as well as confidential information regarding strategies for

25 marketing, evaluating, improving, and reviewing Samsung’s and competitive products. This

26 information is confidential and proprietary to Samsung, and could be used to its disadvantage by

27 competitors if it were not filed under seal.

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1           3.       The original of Exhibit A to the Chung Declaration is a document which was  
2 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
3 ATTORNEYS' EYES ONLY. This document and its translation reveal Samsung's strategies  
4 regarding design, competitive analysis, and suggested improvements of its product. This  
5 document contains highly confidential and commercially sensitive business information, including  
6 confidential information from the files of Samsung's designer relating to the design of Samsung's  
7 products. This information is confidential and proprietary to Samsung, and could be used to its  
8 disadvantage by competitors if it were not filed under seal.

9           4.       The original of Exhibit B to the Chung Declaration is an email which was produced  
10 by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-ATTORNEYS'  
11 EYES ONLY. This document and its translation reveal Samsung's strategies regarding design,  
12 the development of its products, and strategies relating to its competitive analysis of other  
13 products. This document contains highly confidential and commercially sensitive business  
14 information, including confidential information from the files of Samsung's designers, developers,  
15 and business operations relating to the development and competitive evaluation of Samsung's  
16 products. This information is confidential and proprietary to Samsung, and could be used to its  
17 disadvantage by competitors if it were not filed under seal.

18           5.       The originals of Exhibits C-E to the Chung Declaration are emails which were  
19 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
20 ATTORNEYS' EYES ONLY. These documents and their translations reveal strategies and  
21 proposals regarding the design and development of technical features of Samsung's products.  
22 These documents contains highly confidential and commercially sensitive business information,  
23 including confidential information from the files of Samsung's engineers or information  
24 exchanged between Samsung's employees and its business consultants relating to the design of  
25 Samsung's products. This information is confidential and proprietary to Samsung, and could be  
26 used to its disadvantage by competitors if it were not filed under seal.

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1           6.       The originals of Exhibits F and H to the Chung Declaration are emails which were  
2 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
3 ATTORNEYS' EYES ONLY. These documents and their translations reveal Samsung's  
4 strategies regarding design, the development of its products, and strategies relating to its  
5 competitive analysis of various features of other products. These documents contain highly  
6 confidential and commercially sensitive business information, including confidential information  
7 from the files of Samsung's designers, developers, and business operations relating to the  
8 development and competitive evaluation of Samsung's products. This information is confidential  
9 and proprietary to Samsung, and could be used to its disadvantage by competitors if it were not  
10 filed under seal.

11           7.       The original of Exhibit G to the Chung Declaration is a document which was  
12 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
13 ATTORNEYS' EYES ONLY. This document and its translation reveal Samsung's strategies  
14 regarding design, the development of its products, timelines and business plans, and strategies  
15 relating to its competitive analysis of other products. This document contains highly confidential  
16 and commercially sensitive business information, including confidential information from the files  
17 of Samsung's management and business operations relating to the development and competitive  
18 evaluation of Samsung's products. This information is confidential and proprietary to Samsung,  
19 and could be used to its disadvantage by competitors if it were not filed under seal.

20           8.       The originals of Exhibits I and L to the Chung Declaration are documents which  
21 were produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
22 ATTORNEYS' EYES ONLY. These documents and their translations reveal Samsung's analysis  
23 of products from one of its competitors. These documents contain highly confidential and  
24 commercially sensitive business information, including confidential information from the files of  
25 Samsung's business operations relating to the competitive evaluation of mobile phone products,  
26 internal suggestions and proposals for marketing strategies, and internal research relating to the  
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1 mobile phone market. This information is confidential and proprietary to Samsung, and could be  
2 used to its disadvantage by competitors if it were not filed under seal.

3 9. The originals of Exhibits J and K to the Chung Declaration are emails which were  
4 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
5 ATTORNEYS' EYES ONLY. These documents and their translations reveal Samsung's  
6 strategies for business organization, marketing and launch regions, and comparative or  
7 competitive analysis of various features of other products. These documents contain highly  
8 confidential and commercially sensitive business information, including confidential information  
9 from the files of Samsung's designers, developers, and business operations relating to the  
10 development and competitive evaluation of Samsung's products. This information is confidential  
11 and proprietary to Samsung, and could be used to its disadvantage by competitors if it were not  
12 filed under seal.

13 10. The original of Exhibit M to the Chung Declaration is a document which was  
14 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
15 ATTORNEYS' EYES ONLY. This document and its translation reveal Samsung's strategies  
16 regarding design and user experience, as well as Samsung's internal competitive analysis of other  
17 products. This document contains highly confidential and commercially sensitive business  
18 information, including confidential information from the files of Samsung's management and  
19 business operations relating to the development and competitive evaluation of Samsung's  
20 products. This information is confidential and proprietary to Samsung, and could be used to its  
21 disadvantage by competitors if it were not filed under seal.

22 11. The original of Exhibit N to the Chung Declaration is a document which was  
23 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
24 ATTORNEYS' EYES ONLY. This document and its translation reveal Samsung's strategies  
25 regarding the review of competitive products. This document contains highly confidential and  
26 commercially sensitive business information, including confidential information from the files of  
27 Samsung's management and business operations relating to the competitive evaluation of  
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1 Samsung's products. This information is confidential and proprietary to Samsung, and could be  
2 used to its disadvantage by competitors if it were not filed under seal.

3 12. The original of Exhibit O to the Chung Declaration is a document which was  
4 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
5 ATTORNEYS' EYES ONLY. This document and its translation reveal Samsung's strategies  
6 regarding its internal business organization, innovative business structure and planning, and the  
7 development of its products. This document contains highly confidential and commercially  
8 sensitive business information, including confidential information from the files of Samsung's  
9 management and business operations relating to the strategy for Samsung's product development.  
10 This information is confidential and proprietary to Samsung, and could be used to its disadvantage  
11 by competitors if it were not filed under seal.

12 13. The original of Exhibit P to the Chung Declaration is a document which was  
13 produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
14 ATTORNEYS' EYES ONLY. This document and its translation reveal Samsung's internal  
15 review of a competitive product. This document contains highly confidential and commercially  
16 sensitive business information, including confidential information from the files of Samsung's  
17 management, marketing or design team relating to the competitive evaluation of Samsung's  
18 products. This information is confidential and proprietary to Samsung, and could be used to its  
19 disadvantage by competitors if it were not filed under seal.

20 14. The original of Exhibit Q of the Chung Declaration is a document that reflects  
21 information which has been designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES  
22 ONLY. This document lists Samsung's designers whose identities and information regarding their  
23 roles and responsibilities at Samsung have been provided in confidential discovery responses.  
24 This document contains highly confidential and commercially sensitive business information,  
25 including confidential information regarding Samsung's business and design organization. This  
26 information is confidential and proprietary to Samsung, and could be used to its disadvantage by  
27 competitors if it were not filed under seal.

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1           15.     The original of Exhibit R of the Chung Declaration is an excerpt from a document  
2 which was produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
3 ATTORNEYS' EYES ONLY. This document reveals Samsung's internal evaluation and the  
4 results of consumer research relating to Samsung's product and a competitive product. This  
5 document contains highly confidential and commercially sensitive business information, including  
6 confidential information relating to Samsung's consumer research and marketing strategies. This  
7 information is confidential and proprietary to Samsung, and could be used to its disadvantage by  
8 competitors if it were not filed under seal.

9           16.     The original of Exhibit S to the Chung Declaration is an excerpt from a document  
10 which was produced by Samsung in this matter with the designation HIGHLY CONFIDENTIAL-  
11 ATTORNEYS' EYES ONLY. This document reveals Samsung's internal evaluation and the  
12 results of its internal evaluation relating to various competitive mobile products. This document  
13 contains highly confidential and commercially sensitive business information, including  
14 confidential information relating to Samsung's internal review and evaluation strategies. This  
15 information is confidential and proprietary to Samsung, and could be used to its disadvantage by  
16 competitors if it were not filed under seal.

17           17.     The Reply Declaration of Minn Chung in Support of Apple's Motion for Rule  
18 37(b)(2) Sanctions for Samsung's Violation of Two Discovery Orders summarizes and describes  
19 the contents of Exhibits A-S, which are Samsung documents designated HIGHLY  
20 CONFIDENTIAL – ATTORNEYS' EYES ONLY and discussed in paragraphs 2 – 16 above. The  
21 Declaration therefore contains highly confidential and commercially sensitive business  
22 information, including confidential information from the files of Samsung's designers, marketing  
23 representatives, engineers, and management relating to the design of Samsung's products,  
24 confidential information regarding the technical development of features of Samsung's products,  
25 and confidential information regarding Samsung's strategies regarding design, customer research,  
26 marketing, product evaluation and competitive analysis. This information is confidential and  
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1 proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed  
2 under seal.

3 18. The original of Exhibit 2 of the Reply Declaration of Erik J. Olson in Support of  
4 Apple's Motion for Rule 37(b)(2) Sanctions for Samsung's Violation of Two Discovery Orders  
5 appears to be an excerpt from a document which was produced by Samsung in this matter with the  
6 designation HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY. This document reveals  
7 the results of Samsung's consumer research relating to Samsung's products and/or competitive  
8 products. This document contains highly confidential and commercially sensitive business  
9 information, including confidential information relating to Samsung's consumer research and  
10 marketing and survey strategies. This information is confidential and proprietary to Samsung, and  
11 could be used to its disadvantage by competitors if it were not filed under seal.

12 19. Apple's Reply in Support of its Motion for Rule 37(b)(2) Sanctions for Samsung's  
13 Violation of Two Discovery Orders summarizes, describes and/or directly cites to the confidential  
14 Chung Declaration and the confidential exhibits discussed in paragraphs 2 to 18 above. Therefore,  
15 this document should remain under seal for the same reasons as articulated above.

16 **Docket No. 799**

17 20. The original of Exhibit 5 to the Mazza Apex Declaration includes slides from a  
18 presentation made by Samsung to one of its carrier partners. It contains Samsung's confidential  
19 business information, including regarding the design and development of products (*see, e.g.*,  
20 SAMNDCA10202846-57, 72, 74), financial data (*see, e.g.*, SAMNDCA10202831, 34, 36),  
21 internal organizational structure (*see, e.g.*, SAMNDCA10202832-33), and the nature of  
22 Samsung's relationship with a partner (*see, e.g.*, SAMNDCA10202873). This information is  
23 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
24 suppliers, and/or its carrier partners. Accordingly, Samsung has designated the document  
25 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order, and it  
26 should be sealed.

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1           21.     The original of Exhibit 6 to the Mazza Apex Declaration is an excerpt from the  
2 transcript of the February 29, 2012 deposition of Seogguen Kim. It contains Samsung’s  
3 confidential business information, including regarding the design and development of products  
4 (*see, e.g.*, Tr. at 34:3-11) and internal organizational structure (*see, e.g.*, Tr. at 8:4-9:14; 36:9-  
5 37:20; 40:13-41:19). This information is confidential and proprietary, and could be used by  
6 competitors to the detriment of Samsung, its suppliers, and/or its carrier partners. Accordingly,  
7 Samsung has designated this testimony HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES  
8 ONLY under the Protective Order, and it should be sealed.

9           22.     The original of Exhibit 7 to the Mazza Apex Declaration is an excerpt from the  
10 transcript of the February 17, 2012 deposition of Don Joo Lee. It contains Samsung’s confidential  
11 business information, including regarding marketing strategy (*see, e.g.*, Tr. at 47:12-48:7) and  
12 internal organizational structure (*see, e.g.*, Tr. at 15:7-17:2; 52:12-21). This information is  
13 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
14 suppliers, and/or its carrier partners. Accordingly, Samsung has designated this testimony  
15 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order, and it  
16 should be sealed.

17           23.     The original of Exhibit 8 to the Mazza Apex Declaration is a Korean-language  
18 document and what Apple claims to be its English translation. They contain Samsung’s  
19 confidential business information regarding the design and development of products (*see, e.g.*,  
20 SAMNDCA10249771). This information is confidential and proprietary, and could be used by  
21 competitors to the detriment of Samsung, its suppliers, and/or its carrier partners. Accordingly,  
22 Samsung has designated the document HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES  
23 ONLY under the Protective Order, and it should be sealed.

24           24.     The original of Exhibit 9 to the Mazza Apex Declaration is an email chain between  
25 various Samsung employees. It contains Samsung’s confidential business information, including  
26 regarding the design and development of products (*see, e.g.*, SAMNDCA10885548-49),  
27 Samsung’s relationships with carrier partners (*see, e.g.*, SAMNDCA10885538-40), and pricing  
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1 strategy (*see, e.g.*, SAMNDCA10885541). This information is confidential and proprietary, and  
2 could be used by competitors to the detriment of Samsung, its suppliers, and/or its carrier partners.  
3 Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL –  
4 ATTORNEYS’ EYES ONLY under the Protective Order, and it should be sealed.

5         25.       The original of Exhibit 10 to the Mazza Apex Declaration is a Korean-language  
6 email chain and what Apple claims to be its English translation. They contain Samsung’s  
7 confidential business information regarding the design and development of products (*see*  
8 SAMNDCA10907801-02). This information is confidential and proprietary, and could be used by  
9 competitors to the detriment of Samsung, its suppliers, and/or its carrier partners. Accordingly,  
10 Samsung has designated the document HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES  
11 ONLY under the Protective Order, and it should be sealed.

12         26.       The original of Exhibit 11 to the Mazza Apex Declaration is a Korean-language  
13 document and what Apple claims to be its English translation. They contain Samsung’s  
14 confidential business information regarding the design and development of products and internal  
15 organizational structure (*see* SAMNDCA10422392-93). This information is confidential and  
16 proprietary, and could be used by competitors to the detriment of Samsung, its suppliers, and/or its  
17 carrier partners. Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL  
18 – ATTORNEYS’ EYES ONLY under the Protective Order, and it should be sealed.

19         27.       The original of Exhibit 12 to the Mazza Apex Declaration is a Korean-language  
20 document and what Apple claims to be its English translation. They contain Samsung’s  
21 confidential business information, including regarding the design and development of products  
22 (*see* SAMNDCA00196657-59) and internal organizational structure (*see* SAMNDCA00196651).  
23 This information is confidential and proprietary, and could be used by competitors to the detriment  
24 of Samsung, its suppliers, and/or its carrier partners. Accordingly, Samsung has designated the  
25 document HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective  
26 Order, and it should be sealed.

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1           28.     The original of Exhibit 13 to the Mazza Apex Declaration is a Korean-language  
2 email chain and what Apple claims to be its English translation. They contain Samsung's  
3 confidential business information, including regarding the design and development of products,  
4 relationships with carrier partners, pricing strategy, and internal organizational structure (*see*  
5 SAMNDCA10774544-50). This information is confidential and proprietary, and could be used by  
6 competitors to the detriment of Samsung, its suppliers, and/or its carrier partners. Accordingly,  
7 Samsung has designated the document HIGHLY CONFIDENTIAL – ATTORNEYS' EYES  
8 ONLY under the Protective Order, and it should be sealed.

9           29.     The original of Exhibit 14 to the Mazza Apex Declaration is a Korean-language  
10 email chain and what Apple claims to be its English translation. They contain Samsung's  
11 confidential business information, including regarding the design and development of products  
12 and internal organizational structure (*see* SAMNDCA10775880-82). This information is  
13 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
14 suppliers, and/or its carrier partners. Accordingly, Samsung has designated the document  
15 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order, and it  
16 should be sealed.

17           30.     The original of Exhibit 15 to the Mazza Apex Declaration is a Korean-language  
18 email chain and what Apple claims to be its English translation. They contain Samsung's  
19 confidential business information, including regarding marketplace analysis (*see*  
20 SAMNDCA10911067, 69-70), financial data (*see* SAMNDCA10911070), and internal  
21 organizational structure (*see* SAMNDCA10911067-69). This information is confidential and  
22 proprietary, and could be used by competitors to the detriment of Samsung, its suppliers, and/or its  
23 carrier partners. Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL  
24 – ATTORNEYS' EYES ONLY under the Protective Order, and it should be sealed.

25           31.     The original of Exhibit 16 to the Mazza Apex Declaration is a Korean-language  
26 email chain and what Apple claims to be its English translation. They contain Samsung's  
27 confidential business information, including regarding the design and development of products  
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1 (*see, e.g.*, SAMNDCA10771080-83), relationship with a carrier partner (*see, e.g., id.*), and internal  
2 organizational structure (*see, e.g.*, SAMNDCA10771078-79). This information is confidential and  
3 proprietary, and could be used by competitors to the detriment of Samsung, its suppliers, and/or its  
4 carrier partners. Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL  
5 – ATTORNEYS’ EYES ONLY under the Protective Order, and it should be sealed.

6 32. The original of Exhibit 17 to the Mazza Apex Declaration is a Korean-language  
7 email chain and what Apple claims to be its English translation. They contain Samsung’s  
8 confidential business information, including regarding the design and development of products  
9 (*see* SAMNDCA10764503-08), relationship with a carrier partner (*see id.*), and internal  
10 organizational structure (*see, e.g.*, SAMNDCA10764503). This information is confidential and  
11 proprietary, and could be used by competitors to the detriment of Samsung, its suppliers, and/or its  
12 carrier partners. Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL  
13 – ATTORNEYS’ EYES ONLY under the Protective Order, and it should be sealed.

14 33. The original of Exhibit 18 to the Mazza Apex Declaration is an excerpt from the  
15 transcript of the February 3, 2012 deposition of Jinsoo Kim. It contains Samsung’s confidential  
16 business information, including regarding the design and development of products (*see, e.g.*, Tr. at  
17 39:22-40:9) and internal organizational structure (*see, e.g.*, Tr. at 34:2-36:7). This information is  
18 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
19 suppliers, and/or its carrier partners. Accordingly, Samsung has designated this testimony  
20 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order, and it  
21 should be sealed.

22 34. The original of Exhibit 19 to the Mazza Apex Declaration is a document containing  
23 slides. It contains Samsung’s confidential business information regarding the results of a market  
24 survey (*see, e.g.*, SAMNDCA00533134-39). This information is confidential and proprietary, and  
25 could be used by competitors to the detriment of Samsung, its suppliers, and/or its carrier partners.  
26 Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL –  
27 ATTORNEYS’ EYES ONLY under the Protective Order, and it should be sealed.

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1           35.     The original of Exhibit 20 to the Mazza Apex Declaration is a Korean-language  
2 email chain and what Apple claims to be its English translation. They contain Samsung’s  
3 confidential business information, including regarding the design and development of products  
4 (*see, e.g.* SAMNDCA11115224-26), relationship with a carrier partner (*see*  
5 SAMNDCA11115224-29), and internal organizational structure (SAMNDCA11115223). This  
6 information is confidential and proprietary, and could be used by competitors to the detriment of  
7 Samsung, its suppliers, and/or its carrier partners. Accordingly, Samsung has designated the  
8 document HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective  
9 Order, and it should be sealed.

10           36.     The original of Exhibit 21 to the Mazza Apex Declaration is a Korean-language  
11 email chain and what Apple claims to be its English translation. They contain Samsung’s  
12 confidential business information, including regarding the design and development of products  
13 (*see* SAMNDCA10185356-64), relationship with carrier partners (*see id.*), and internal  
14 organizational structure (*see, e.g.*, SAMNDCA10185256). This information is confidential and  
15 proprietary, and could be used by competitors to the detriment of Samsung, its suppliers, and/or its  
16 carrier partners. Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL  
17 – ATTORNEYS’ EYES ONLY under the Protective Order, and it should be sealed.

18           37.     The original of Exhibit 22 to the Mazza Apex Declaration is a Korean-language  
19 email chain and what Apple claims to be its English translation. They contain Samsung’s  
20 confidential business information, including regarding the design and development of products  
21 (*see* SAMNDCA10172484-86) and internal organizational structure (*see id.*). This information is  
22 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
23 suppliers, and/or its carrier partners. Accordingly, Samsung has designated the document  
24 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order, and it  
25 should be sealed.

26           38.     The original of Exhibit 23 to the Mazza Apex Declaration is a Korean-language  
27 email chain and what Apple claims to be its English translation. They contain Samsung’s  
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1 confidential business information, including regarding the design and development of products  
2 (*see* SAMNDCA10167858-65) and internal organizational structure (*see id.*). This information is  
3 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
4 suppliers, and/or its carrier partners. Accordingly, Samsung has designated the document  
5 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order, and it  
6 should be sealed.

7           39.     The original of Exhibit 24 to the Mazza Apex Declaration is a Korean-language  
8 email and what Apple claims to be its English translation. They contain Samsung’s confidential  
9 business information, including regarding the design and development of products (*see*  
10 SAMNDCA10181789-93), relationships with carrier partners (*see, e.g.,* SAMNDCA10181790-  
11 01), and pricing strategy (*see, e.g.,* SAMNDCA10181790). This information is confidential and  
12 proprietary, and could be used by competitors to the detriment of Samsung, its suppliers, and/or its  
13 carrier partners. Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL  
14 – ATTORNEYS’ EYES ONLY under the Protective Order, and it should be sealed.

15           40.     The original of Exhibit 25 to the Mazza Apex Declaration is a Korean-language  
16 email chain and what Apple claims to be its English translation. They contain Samsung’s  
17 confidential business information, including regarding the design and development of products  
18 (*see* SAMNDCA10247568-70) and internal organizational structure (*see id.*). This information is  
19 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
20 suppliers, and/or its carrier partners. Accordingly, Samsung has designated the document  
21 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order, and it  
22 should be sealed.

23           41.     The original of Exhibit 26 to the Mazza Apex Declaration is a Korean-language  
24 email chain and what Apple claims to be its English translation. They contain Samsung’s  
25 confidential business information, including regarding the design and development of products  
26 (*see* SAMNDCA11023144-61), relationship with a carrier partner (*see id.*), and internal  
27 organizational structure (*see id.*). This information is confidential and proprietary, and could be  
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1 used by competitors to the detriment of Samsung, its suppliers, and/or its carrier partners.  
2 Accordingly, Samsung has designated the document HIGHLY CONFIDENTIAL –  
3 ATTORNEYS’ EYES ONLY under the Protective Order, and it should be sealed.

4 42. The original of Exhibit 27 to the Mazza Apex Declaration is a Korean-language  
5 email chain and what Apple claims to be its English translation. They contain Samsung’s  
6 confidential business information regarding the design and development of products (*see*  
7 SAMNDCA10320161-62). This information is confidential and proprietary, and could be used by  
8 competitors to the detriment of Samsung, its suppliers, and/or its carrier partners. Accordingly,  
9 Samsung has designated the document HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES  
10 ONLY under the Protective Order, and it should be sealed.

11 43. The original of Exhibit 28 to the Mazza Apex Declaration is a Korean-language  
12 email chain and what Apple claims to be its English translation. They contain Samsung’s  
13 confidential business information, including regarding the design and development of products  
14 (*see* SAMNDCA0053256063) and internal organizational structure (*see id.*). This information is  
15 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
16 suppliers, and/or its carrier partners. Accordingly, Samsung has designated the document  
17 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order, and it  
18 should be sealed.

19 44. The original of Exhibit 29 to the Mazza Apex Declaration is an email chain. It  
20 contains Samsung’s confidential business information, including regarding Samsung financial  
21 data, internal organizational structure, and business strategy (*see* S-ITC-500000322). This  
22 information is confidential and proprietary, and could be used by competitors to the detriment of  
23 Samsung, its suppliers, and/or its carrier partners. Accordingly, Samsung has designated the  
24 document HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective  
25 Order, and it should be sealed.

26 45. The original of Exhibit 30 to the Mazza Apex Declaration is a Korean-language  
27 email chain and what Apple claims to be its English translation. They contain Samsung’s  
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1 confidential business information, including regarding financial data (*see, e.g.*, S-ITC-500043609-  
2 10), relationships with carrier partners (*see, e.g., id.*), and product strategy (*see, e.g.*, S-ITC-  
3 500043608). This information is confidential and proprietary, and could be used by competitors  
4 to the detriment of Samsung, its suppliers, and/or its carrier partners. Accordingly, Samsung has  
5 designated the document HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the  
6 Protective Order, and it should be sealed.

7         46.       The original of Exhibit 31 to the Mazza Apex Declaration is a Korean-language  
8 email chain and what Apple claims to be its English translation. They contain Samsung’s  
9 confidential business information, including regarding the design and development of products  
10 (*see* SAMNDCA10248549-51) and internal organizational structure (*see id.*). This information is  
11 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
12 suppliers, and/or its carrier partners. Accordingly, Samsung has designated the document  
13 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective Order, and it  
14 should be sealed.

15         47.       The original of Exhibit 32 to the Mazza Apex Declaration is an excerpt from the  
16 transcript of the February 29, 2012 deposition of Heonseok Lee. It contains Samsung’s  
17 confidential business information, including regarding the design and development of products  
18 (*see, e.g.*, Tr. at 24:3-29:4) and internal organizational structure (*see, e.g.*, Tr. at 8:17-9:4). This  
19 information is confidential and proprietary, and could be used by competitors to the detriment of  
20 Samsung, its suppliers, and/or its carrier partners. Accordingly, Samsung has designated this  
21 testimony HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the Protective  
22 Order, and it should be sealed.

23         48.       The original of Exhibit 34 to the Mazza Apex Declaration is a letter from counsel  
24 for Apple to counsel for Samsung. The letter discusses various documents and a deposition. It  
25 contains Samsung’s confidential business information, including regarding the design and  
26 development of products (*see* pp. 2-5), and it should be sealed.

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1           49.     The original of Exhibit 35 to the Mazza Apex Declaration is an excerpt from the  
2 transcript of the March 7, 2012 deposition of Seong Hee Hwang. It contains Samsung's  
3 confidential business information, including regarding the design and development of products  
4 (*see, e.g.*, Tr. at 27:16-28:2; 31:10-14; 48:4-7). This information is confidential and proprietary,  
5 and could be used by competitors to the detriment of Samsung, its suppliers, and/or its carrier  
6 partners. Accordingly, Samsung has designated this testimony HIGHLY CONFIDENTIAL –  
7 ATTORNEYS' EYES ONLY under the Protective Order, and it should be sealed.

8           50.     The original of Exhibit 38 to the Mazza Apex Declaration is an excerpt from the  
9 transcript of the March 8, 2012 deposition of Kiwon Lee. It contains Samsung's confidential  
10 business information, including regarding the design and development of products and internal  
11 organizational structure (*see, e.g.*, Tr. at 5:24-25; 22:1-20; 23:13-25:1). This information is  
12 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
13 suppliers, and/or its carrier partners. Accordingly, Samsung has designated this testimony  
14 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order, and it  
15 should be sealed.

16           51.     The original of Exhibit 39 to the Mazza Apex Declaration is an excerpt from the  
17 transcript of the March 1, 2012 deposition of Sungsik Lee. It contains Samsung's confidential  
18 business information regarding the design and development of products (*see, e.g.*, Tr. at 64:10-13;  
19 65:7-66:2) and internal organizational structure (*see, e.g.*, Tr. at 9:11-12). This information is  
20 confidential and proprietary, and could be used by competitors to the detriment of Samsung, its  
21 suppliers, and/or its carrier partners. Accordingly, Samsung has designated this testimony  
22 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order, and it  
23 should be sealed.

24           52.     The original of Exhibit 40 to the Mazza Apex Declaration is an excerpt from the  
25 transcript of the March 7, 2012 deposition of Dong Hoon Chang. It contains Samsung's  
26 confidential business information, including regarding product strategy (*see, e.g.*, Tr. at 79:24-  
27 80:2; 83:10-89:11; 91:4-93:13; 117:1-10) and internal organizational structure (*see, e.g.*, Tr. at  
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1 89:14-91:3; 117:12-118:1). This information is confidential and proprietary, and could be used by  
2 competitors to the detriment of Samsung, its suppliers, and/or its carrier partners. Accordingly,  
3 Samsung has designated this testimony HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES  
4 ONLY under the Protective Order, and it should be sealed.

5 53. The confidential, unredacted version of the Mazza Apex Declaration discusses  
6 and/or refers to information described in paragraphs 20 to 52 above, and therefore should be  
7 sealed for the same reasons.

8 54. The confidential, unredacted version of Apple’s Apex Reply discusses and/or refers  
9 to information described in paragraphs 20 to 53 above, paragraphs 3-15 of the Declaration of  
10 Hankil Kang in Support of Samsung’s Administrative Motion to File Documents Under Seal (Dkt.  
11 754-1); paragraphs 2-3 of the Declaration of Hankil Kang in Support of Samsung’s Administrative  
12 Motion to File Documents Under Seal (Dkt. 773-2), and/or paragraphs 2-30 of the Declaration of  
13 Melissa Chan in Support of Apple’s Administrative Motion to File Documents Under Seal (Dkt.  
14 791), and should be sealed for the same reasons.

15 **Docket Nos. 822 and 824**

16 55. The original of Exhibit A to the Olson Declaration is a copy of a document  
17 produced by Samsung in ITC Investigation No. 337-TA-796 (“796 Investigation”) bearing Bates  
18 label S-ITC-500005400. This document, which Samsung has designated CONFIDENTIAL  
19 BUSINESS INFORMATION under the Protective Order in the 796 Investigation, contains highly  
20 sensitive financial information concerning Samsung’s methodology for inventory forecasting, the  
21 accuracy of that methodology and ways to improve it. This document also contains information  
22 relating to the value of Samsung’s inventories, Samsung’s production planning and means of  
23 procurement, lead times for procurement, Samsung’s weekly sales data, and bills of materials for  
24 certain Samsung products. This information is confidential and proprietary to Samsung, and could  
25 be used by competitors to its detriment if not filed under seal.

26 56. The original of Exhibit D to the Olson Declaration consists of excerpts from the  
27 March 10, 2012 deposition transcript of JaeHwang Sim, a vice president in the Management  
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1 Support Team of Samsung Electronics Co., Ltd. (“SEC”). This document, which Samsung has  
2 designated HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY under the Protective  
3 Order, contains sensitive information relating to the accounting and financial methods or  
4 conventions followed by Samsung in the ordinary course of business, Samsung’s Samsung’s  
5 record keeping and its financial data. This information is confidential and proprietary to Samsung,  
6 and could be used by competitors to its detriment if not filed under seal.

7 57. The original of Exhibit I to the Olson Declaration, filed on March 20, 2012 as  
8 Docket No. 822-7, consists of excerpts from the February 29, 2012 deposition transcript of  
9 Timothy Sheppard, Vice President of Finance and Operations at Samsung Telecommunications  
10 America, LLC (“STA”). This document, which Samsung has designated HIGHLY  
11 CONFIDENTIAL – ATTORNEY’S EYES ONLY under the Protective Order, contains sensitive  
12 information relating financial documents prepared by Samsung in the ordinary course of business,  
13 Samsung’s recordkeeping, as well as Samsung’s revenues, unit sales, profits, and costs of goods  
14 sold. This information is confidential and proprietary to Samsung, and could be used by  
15 competitors to the detriment of Samsung if not filed under seal.

16 58. The confidential, unredacted version of the Olson Declaration discusses numerous  
17 documents produced by Samsung in this litigation and designated HIGHLY CONFIDENTIAL –  
18 ATTORNEY’S EYES ONLY under the Protective Order. The Olson Declaration reveals the  
19 contents of these sensitive financial documents, which include financial statements, market  
20 analyses, and profit and loss statements. Examples of the documents discussed in the Olson  
21 Declaration were previously filed under seal, and therefore the Olson Declaration should be filed  
22 under seal for the reasons set forth in paragraphs 3 – 6, 9 and 10 of the Declaration of Joby Martin  
23 in Support of Samsung’s Administrative Motion to File Documents Under Seal (Dkt. No. 801-1).

24 59. The original of Exhibit A to the Roberts Declaration is a translated copy of a  
25 document produced by Samsung in this litigation, bearing Bates label SAMNDCA10198194.  
26 This document, which Samsung has designated HIGHLY CONFIDENTIAL – ATTORNEY’S  
27 EYES ONLY under the Protective Order, contains detailed information concerning Samsung’s  
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1 unit sales, profit and loss, and average selling prices. This document further contains information  
2 relating to Samsung's financial goals for its U.S. operations and planned responses to market  
3 developments. This information is confidential and proprietary to Samsung, and could be used by  
4 competitors to the detriment of Samsung if not filed under seal.

5 60. The original of Exhibit B to the Roberts Declaration is a copy of a document  
6 produced by Samsung in this litigation, bearing Bates label SAMNDCA00322209. This  
7 document, which Samsung has designated HIGHLY CONFIDENTIAL – ATTORNEY'S EYES  
8 ONLY under the Protective Order, contains sensitive commercial information concerning  
9 Samsung's accounting methods, as well as statements of STA's financial position, assets, income,  
10 revenues, costs of goods sold, profit and operating expenses. This information is confidential and  
11 proprietary to Samsung, and could be used by competitors to the detriment of Samsung if not filed  
12 under seal.

13 61. The original of Exhibit C to the Roberts Declaration is a copy of a document  
14 produced by Samsung in the ITC 796 Investigation, bearing Bates label SAMNDCA00322209.  
15 This document, which Samsung has designated CONFIDENTIAL BUSINESS INFORMATION  
16 under the Protective Order in the 796 Investigation, contains highly sensitive information  
17 concerning the components of Samsung's products, the price Samsung pays for those components.  
18 This information is confidential and proprietary, and could be used by competitors to the detriment  
19 of Samsung and its suppliers if not filed under seal.

20 62. The confidential, unredacted version of the Roberts Declaration reveals the  
21 contents of financial spreadsheets produced by Samsung in this litigation, as well as the manner in  
22 which Samsung maintains its financial database. This information is confidential and proprietary  
23 to Samsung, and could be used by competitors to the detriment of Samsung if not filed under seal.

24 63. The original of Exhibit 9 to the Kim Declaration is a copy of Apple Inc.'s  
25 Objections and Responses to Samsung Electronics Co. Ltd.'s First Set of Interrogatories to Apple  
26 Inc. This document, which has been designated HIGHLY CONFIDENTIAL – ATTORNEY'S  
27 EYES ONLY under the Protective Order, contains information relating to confidential  
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1 negotiations between the parties and Apple's claims for damages. This information is confidential  
2 and proprietary to Samsung, and could be used by competitors to the detriment of Samsung if not  
3 filed under seal.

4 64. The original of Exhibit 16 to the Kim Declaration is a copy of a document  
5 produced by Samsung in this litigation, bearing Bates label SAMNDCA00315873. This  
6 document, which has been designated HIGHLY CONFIDENTIAL – ATTORNEY'S EYES  
7 ONLY under the Protective Order, contains information concerning Samsung's public relations  
8 campaign prior to the launch of Samsung's Galaxy S II Epic 4G Touch product, and reveals  
9 Samsung's marketing strategies, advertising budgets, and sales targets. This information is  
10 confidential and proprietary to Samsung, and could be used by competitors to the detriment of  
11 Samsung if not filed under seal.

12 65. The original of Exhibit 17 to the Kim Declaration is a copy of a document  
13 produced by Samsung in this litigation, bearing Bates label SAMNDCA11120929. This  
14 document, which has been designated HIGHLY CONFIDENTIAL – ATTORNEY'S EYES  
15 ONLY under the Protective Order, contains sensitive information concerning the design and  
16 development process leading to the launch of Samsung's Galaxy S II Skyrocket product and the  
17 operation of Samsung's TouchWiz interface. This information is confidential and proprietary to  
18 Samsung, and could be used by competitors to the detriment of Samsung if not filed under seal.

19 66. The original of Exhibit 18 to the Kim Declaration is a copy of a document  
20 produced by Samsung in this litigation, bearing Bates label SAMNDCA00522001. This  
21 document, which has been designated HIGHLY CONFIDENTIAL – ATTORNEY'S EYES  
22 ONLY under the Protective Order, contains sensitive information concerning Samsung's Galaxy  
23 Tab 10.1 LTE product, namely Samsung's product planning efforts, specifications, material costs,  
24 marketing strategies and sales targets. This information is confidential and proprietary to  
25 Samsung, and could be used by competitors to the detriment of Samsung if not filed under seal.

26 67. The confidential, unredacted version of Apple's Damages Sanctions Reply  
27 summarizes, describes, or directly cites to the confidential Olson Declaration, the confidential  
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1 Roberts Declaration, and the confidential exhibits discussed in paragraphs 55 to 66. Therefore,  
2 this document should remain under seal for the same reasons articulated above.

3 **Docket No. 845**

4 68. Exhibit D to the Pernick Declaration is a copy of a document produced by Samsung  
5 in this litigation, bearing Bates label SAMNDCA00324067. This document contains sensitive  
6 information concerning changes and updates made to the source code of the accused products, and  
7 directly cites Samsung source code. This information is confidential and proprietary to Samsung,  
8 and could be used by competitors to the detriment of Samsung if not filed under seal.

9  
10 I declare under penalty of perjury that the forgoing is true and correct to the best of my  
11 knowledge.

12 Executed this 20<sup>th</sup> day of June, 2012, in Suwon, South Korea.

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16 \_\_\_\_\_  
17 Hankil Kang

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