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

**DECLARATION OF HANKIL KANG IN
 SUPPORT OF SAMSUNG’S MOTION
 FOR RECONSIDERATION AND
 APPLE’S MOTIONS TO FILE UNDER
 SEAL (DKT. NOS. 769, 799, 822, 824, AND
 845)**

Judge: The Hon. Paul S. Grewal
 Courtroom: 5, 4th Floor

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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 Samsung’s Motion for
4 Reconsideration of the Court’s June 21, 2012 Order (Dkt. No. 1115) and Apple’s Administrative
5 Motions to File Documents Under Seal (Dkt. Nos. 769, 799, 822, 824, and 845), to establish that
6 the following are sealable:

- 7 • Portions of Exhibits C, D, and E to the Reply Declaration of Minn Chung in Support of
8 Apple’s Motion for Rule 37(b)(2) Sanctions for Samsung’s Violation of Two
9 Discovery Orders (“Chung Declaration”) (Dkt. No. 769);
- 10 • Portions of Exhibit Nos. 26, 30, 35, and 38 to the Declaration of Mia Mazza in Support
11 of Apple’s Combined Reply in Support of its Motion to Compel Depositions of
12 Samsung’s Purported “Apex” Witnesses and Opposition to Samsung’s Motion for a
13 Protective Order (“Mazza Declaration”) (Dkt. No. 799);
- 14 • Portions of the unredacted version of Apple’s Reply Brief in Support of Rule 37(b)(2)
15 Motion Re: Samsung’s Violation of January 27, 2012 Damages Discovery Order
16 (“Apple’s Damages Sanctions Reply”) (Dkt. No. 822);
- 17 • Portions of Exhibits A and I to the Declaration of Erik J. Olson in Support of Apple’s
18 Damages Sanctions Reply (“Olson Damages Declaration”) (Dkt. No. 822);
- 19 • Portions of the unredacted version of the Declaration of Eric R. Roberts in Support of
20 Apple’s Damages Sanctions Reply (“Roberts Declaration”), and portions of Exhibits A
21 - C thereto (Dkt. No. 822);
- 22 • Portions of Exhibits 16 and 18 to the Declaration of Grant Kim in Support of Apple’s
23 Damages Sanctions Reply (“Kim Declaration”) (Dkt. No. 822); and
- 24 • Portions of Exhibit D to the Reply Declaration of Marc J. Pernick in Support of
25 Apple’s Rule 37(b)(2) Motion Based on Samsung’s Violation of the Court’s December
26 22, 2011 Order Regarding Source Code (“Pernick Declaration”) (Dkt. No. 845).

1 Lee, respectively. These transcripts have been designated HIGHLY CONFIDENTIAL –
2 ATTORNEYS’ EYES ONLY by Samsung. The portions of the excerpts that Samsung requests be
3 sealed reveal strategies and proposals regarding the design and development of technical features
4 of Samsung’s products, as well as the specific source code files and algorithms used to implement
5 those features. This information is confidential and proprietary to Samsung, and could be used to
6 its disadvantage by competitors if it were not filed under seal. The reasons why each portion of
7 each excerpt should be sealed are explained in the table below and proposed redacted versions of
8 these excerpts are attached as Exhibits 6 and 7.

9 5. The limited portions of Apple’s Damages Sanctions Reply that Samsung requests
10 be sealed contain Samsung’s highly confidential financial data. This information was derived by
11 Apple from documents produced by Samsung in this matter with the designation HIGHLY
12 CONFIDENTIAL – ATTORNEYS’ EYES ONLY. The financial data, including specific
13 information about Samsung’s profits, is confidential and proprietary to Samsung, and could be
14 used to its disadvantage by competitors if it were not filed under seal. The reasons why each
15 portion of the document should be sealed are explained in the table below and a proposed redacted
16 version of the document is attached as Exhibit 8.

17 6. Exhibit A to the Olson Damages Declaration is a document produced by Samsung
18 in a related investigation before the International Trade Commission (“ITC”) with the designation
19 CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER. The
20 portions of the document that Samsung requests be sealed reveal information about Samsung’s
21 supply chain, inventory management, and confidential financial data, including past performance
22 and future projections related to Samsung’s inventory management, and specific financial
23 information about material costs. This information is confidential and proprietary to Samsung,
24 and could be used to its disadvantage by competitors if it were not filed under seal. The reasons
25 why each portion of the document should be sealed are explained in the table below and a
26 proposed redacted version of the document is attached as Exhibit 9.

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1 7. Exhibit I to the Olson Damages Declaration is an excerpt from the transcript of the
2 February 29, 2012 deposition of Timothy Sheppard. This transcript has been designated HIGHLY
3 CONFIDENTIAL-ATTORNEYS' EYES ONLY by Samsung. The portions of the excerpt that
4 Samsung requests be sealed contain highly confidential and commercially sensitive Samsung
5 business information, including specific information about Samsung's profits. This information is
6 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if it
7 were not filed under seal. The reasons why each portion of the excerpt should be sealed are
8 explained in the table below and a proposed redacted version of the excerpt is attached as Exhibit
9 10.

10 8. The limited portions of the Roberts Declaration that Samsung requests be sealed
11 contain Samsung's highly confidential financial data. This information was derived by Apple
12 from documents produced by Samsung in this matter with the designation HIGHLY-
13 CONFIDENTIAL ATTORNEYS' EYES ONLY. The financial data, including specific
14 information about Samsung's profits, is confidential and proprietary to Samsung, and could be
15 used to its disadvantage by competitors if it were not filed under seal. The reasons why each
16 portion of the document should be sealed are explained in the table below and a proposed redacted
17 version of the document is attached as Exhibit 11.

18 9. Exhibits A-C to the Roberts Declaration are documents produced by Samsung in
19 this matter and in a related investigation before the ITC with the designation HIGHLY
20 CONFIDENTIAL – ATTORNEYS' EYES ONLY and CONFIDENTIAL BUSINESS
21 INFORMATION, SUBJECT TO PROTECTIVE ORDER. The portions of the documents that
22 Samsung requests be sealed reveal Samsung's financial data. This information is confidential and
23 proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed
24 under seal. The reasons why each portion of each document should be sealed are explained in the
25 table below and proposed redacted versions of these documents are attached as Exhibits 12, 13,
26 and 14.

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1 10. Exhibits 16 and 18 to the Kim Declaration are documents produced by Samsung in
 2 this matter with the designation HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.
 3 The limited portions of these documents that Samsung requests be sealed reveal Samsung’s highly
 4 confidential and commercially sensitive financial data. This information is confidential and
 5 proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed
 6 under seal. The reasons why each portion of each document should be sealed are explained in the
 7 table below and proposed redacted versions of these documents are attached as Exhibits 15 and 16.

8 11. Exhibit D to the Pernick Declaration is a document produced by Samsung in this
 9 matter with the designation HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY. The
 10 portions of this document that Samsung requests be sealed reveal strategies and proposals
 11 regarding the design and development of technical features of Samsung’s products, as well as the
 12 specific source code and algorithms used to implement those features. This information is
 13 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if it
 14 were not filed under seal. The reasons why each portion of the document should be sealed are
 15 explained in the table below and a proposed redacted version of the document is attached as
 16 Exhibit 17.

17 12. The following table describes the reasons why each portion of each document
 18 Samsung requests be sealed should be sealed.

Dkt. No.	Document	Pages with Redactions	Reason
769	Chung Decl., Ex. C	Bates -604-06	Confidential Samsung information regarding algorithm used for certain features on Samsung smartphones.
	Chung Decl., Ex. D	Bates -822-23	Confidential Samsung information regarding Samsung’s source code.
	Chung Decl., Ex. E	Bates -706	Confidential Samsung information regarding Samsung’s source code.

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Dkt. No.	Document	Pages with Redactions	Reason
799	Mazza Decl., Ex. 26	Bates -144-63	Confidential Samsung information regarding features included in Samsung's unreleased products and/or for a certain carrier partner.
	Mazza Decl., Ex. 30	Bates -609-10	Confidential Samsung financial information regarding Samsung's market share and total sales.
	Mazza Decl., Ex. 35	27-28, 31-33, 46	Confidential Samsung information regarding Samsung's source code.
	Mazza Decl., Ex. 38	22-25	Confidential Samsung information regarding Samsung's source code.
822	Apple's Damages Sanctions Reply	1, 4 n.2, 6, 14	Confidential Samsung financial information regarding Samsung's profits.
	Olson Decl., Ex. A	Bates -401-11, 414, 417-22, 427-28	Confidential Samsung financial information regarding Samsung's supply chain and inventory management, including past performance and future projections.
		Bates -412-13, 415-16	Confidential Samsung financial information regarding Samsung's material costs.
	Olson Decl., Ex. I (see also Dkt. No. 824 (moving to seal Olson Decl., Ex. I))	88, 123-25, 146	Confidential Samsung financial information regarding Samsung's sales and profits.
	Roberts Decl.	5-7, 9-11	Confidential Samsung financial information regarding Samsung's sales and profits.
	Roberts Decl., Ex. A	Bates -194-266, -269-72, -274-748, -280-82, -284, -286, -288-91, -293-97, -299-301, -303, -305-07, -309-11, -313-15, -317, -319, -321, -323-77 (includes	Confidential Samsung financial information, including information regarding Samsung's profits, material costs, and market share.

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Dkt. No.	Document	Pages with Redactions	Reason
		several unmarked pages).	
	Roberts Decl., Ex. B	Bates -212-38	Confidential Samsung internal financial statements.
	Roberts Decl., Ex. C	Bates -394-455	Confidential Samsung financial information regarding Samsung's material costs.
	Kim Decl., Ex. 16	Bates -873-74	Confidential Samsung financial information regarding Samsung's marketing costs and estimated sales.
	Kim Decl., Ex. 18	Bates -002	Confidential Samsung financial information regarding Samsung's material costs.
845	Pernick Decl., Ex. D	Last column only.	Confidential Samsung information regarding Samsung's source code.

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

Executed this 25th day of June, 2012, in Suwon, South Korea.



Hankil Kang