

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
 Charles K. Verhoeven (Bar No. 170151)
 2 charlesverhoeven@quinnemanuel.com
 50 California Street, 22nd 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
 6 Victoria F. Maroulis (Bar No. 202603)
 victoriamaroulis@quinnemanuel.com
 7 555 Twin Dolphin Drive, 5th 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
 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
 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 (PSG)

**DECLARATION OF HANKIL KANG IN
 SUPPORT OF SAMSUNG'S
 ADMINISTRATIVE MOTION TO FILE
 DOCUMENTS UNDER SEAL**

27
 28
 02198.51855/4844708.1

1 **DECLARATION OF HANKIL KANG**

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

3 1. I am Legal Counsel at Samsung Electronics Co., Ltd. I submit this Declaration in
4 support of Samsung Electronics Co., Ltd's, Samsung Electronics America, Inc.'s, and Samsung
5 Telecommunications America, LLC's ("Samsung's") Administrative Motion to File Documents
6 Under Seal. I have personal knowledge of the facts set forth in this Declaration and, if called as a
7 witness, could and would competently testify to them.

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

- 10 • The unredacted version of Samsung's Motions *In Limine*; and
11 • Exhibits C, E, G-N, V, W, and Y to the Declaration of John D'Amato in Support of
12 Samsung's Motions *In Limine* ("D'Amato Declaration").

13 3. Exhibit C to the D'Amato Declaration is a document produced by Samsung in this
14 litigation bearing Bates labels beginning SAMNDCA10159856, and with the designation
15 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order. This
16 document contains highly sensitive information related to Samsung's product strategy, including
17 specific information about the design and development of certain products and features. This
18 information is confidential and proprietary to Samsung, and could be used to its disadvantage by
19 competitors if the document were not filed under seal. This document should be sealed in its
20 entirety.

21 4. Exhibit E to the D'Amato Declaration consists of excerpts from the April 17, 2012
22 deposition transcript of Gee-Sung Choi. Samsung has designated the transcript HIGHLY
23 CONFIDENTIAL-ATTORNEYS' EYES ONLY under the Protective Order. The portions of the
24 excerpts that Samsung requests be sealed contain highly sensitive information related to
25 Samsung's business strategy, financial data, and relationships with customers. This information is
26 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if
27 the excerpts were not filed under seal. A proposed redacted version of the excerpts is filed
28 concurrently.

1 5. Exhibit G to the D'Amato Declaration is a document produced by Samsung in this
2 litigation bearing Bates labels beginning SAMNDCA10154003, and with the designation
3 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order. This
4 document contains highly sensitive information related to Samsung's business strategy and
5 consumer surveys, including survey results and specific information about Samsung's relationship
6 with a retail partner. The surveys were conducted at considerable cost to Samsung. This
7 information is confidential and proprietary to Samsung, and could be used to its disadvantage by
8 competitors if the document were not filed under seal. This document should be sealed in its
9 entirety.

10 6. Exhibit H to the D'Amato Declaration consists of excerpts from the February 24,
11 2012 deposition transcript of Sangeun Lee. Samsung has designated the transcript HIGHLY
12 CONFIDENTIAL-ATTORNEYS' EYES ONLY under the Protective Order. The portions of the
13 excerpts that Samsung requests be sealed contain highly sensitive information related to
14 Samsung's business strategy and consumer surveys. This information is confidential and
15 proprietary to Samsung, and could be used to its disadvantage by competitors if the excerpts were
16 not filed under seal. A proposed redacted version of the excerpts is filed concurrently.

17 7. Exhibit I to the D'Amato Declaration is a document produced by Samsung in this
18 litigation bearing Bates labels beginning SAMNDCA00352115, and with the designation
19 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order. This
20 document contains highly sensitive information related to Samsung's advertising strategy and
21 consumer surveys. The surveys were conducted at considerable cost to Samsung. This
22 information is confidential and proprietary to Samsung, and could be used to its disadvantage by
23 competitors if the document were not filed under seal. This document should be sealed in its
24 entirety.

25 8. Exhibit J to the D'Amato Declaration consists of excerpts from the February 22,
26 2012 deposition transcript of Timothy Benner. Samsung has designated the transcript HIGHLY
27 CONFIDENTIAL-ATTORNEYS' EYES ONLY under the Protective Order. The portions of the
28 excerpts that Samsung requests be sealed contain highly sensitive information related to

02198.51855/4844708.1

1 Samsung's advertising strategy and consumer surveys. The surveys were conducted at
2 considerable cost to Samsung. This information is confidential and proprietary to Samsung, and
3 could be used to its disadvantage by competitors if the excerpts were not filed under seal. A
4 proposed redacted version of the excerpts is filed concurrently.

5 9. Exhibit K to the D'Amato Declaration is a document produced by Samsung both
6 in this litigation and a related investigation before the International Trade Commission ("ITC")
7 bearing Bates labels beginning S-ITC-800042137, and with the designation CONFIDENTIAL
8 BUSINESS INFORMATION under the ITC protective order. This document reflects the thoughts
9 of Samsung employees and highlights public comments regarding the comparative merits of
10 Samsung's products that Samsung employees found important. This information is confidential
11 and proprietary to Samsung, and could be used to its disadvantage by competitors if the document
12 were not filed under seal. This document should be sealed in its entirety.

13 10. Exhibit L to the D'Amato Declaration is a document produced by Samsung in this
14 litigation bearing Bates label SAMNDCA00044700, and with the designation HIGHLY
15 CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order. This document
16 contains highly sensitive information related to Samsung's business strategy, including specific
17 information regarding product strategy, and Samsung's relationship with its business partners.
18 This information is confidential and proprietary to Samsung, and could be used to its disadvantage
19 by competitors if the document were not filed under seal. This document should be sealed in its
20 entirety.

21 11. Exhibit M to the D'Amato Declaration is a document produced by Samsung in this
22 litigation bearing Bates labels beginning SAMNDCA10167856, and with the designation
23 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Protective Order. This
24 document contains highly sensitive information related to Samsungs business strategy, including
25 specific information about the design and development of products and Samsung's relationships
26 with carrier and business partners. This information is confidential and proprietary to Samsung,
27 and could be used to its disadvantage by competitors if the document were not filed under seal.
28 This document should be sealed in its entirety.

1 12. Exhibit N to the D’Amato Declaration is a document produced by Samsung in this
2 litigation bearing Bates labels beginning SAMNDCA10969926, and with the designation
3 **HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY** under the Protective Order. This
4 document contains highly sensitive information related to Samsung’s product strategy, including
5 specific information about the design and development of products and features. This information
6 is confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if
7 the document were not filed under seal. This document should be sealed in its entirety.

8 13. Portions of Exhibit S to the D’Amato Declaration discuss details regarding the
9 Samsung inventors’ business activities and Samsung’s share of certain technology markets. This
10 information is confidential and proprietary to Samsung and could be used to its disadvantage by
11 competitors if the document were not filed under seal.

12 14. Exhibit V to the D’Amato Declaration consists of excerpts from the Expert Report
13 of Ravin Balakrishnan, Ph. D. The portions of the documents that Samsung requests be sealed
14 contain highly sensitive information related to Samsung’s source code, including specific
15 information about the code used to produce certain features. This information is confidential and
16 proprietary to Samsung and could be used to its disadvantage by competitors if the document were
17 not filed under seal. A proposed redacted version of the document is filed concurrently.


18 15. Exhibit W to the D’Amato Declaration consists of excerpts from the Expert Report
19 of Karan Singh, Ph. D. The portions of the documents that Samsung requests be sealed contain
20 highly sensitive information related to Samsung’s source code, including specific information
21 about the code used to produce certain features. This information is confidential and proprietary
22 to Samsung and could be used to its disadvantage by competitors if the document were not filed
23 under seal. A proposed redacted version of the document is filed concurrently.

24 16. Exhibit Y to the D’Amato Declaration is a document produced by Samsung in this
25 litigation bearing Bates labels beginning SAMNDCA00250864, and with the designation
26 **HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY** under the Protective Order. This
27 document contains highly sensitive information related to the results of a consumer survey
28 conducted at considerable expense by Samsung. This information is confidential and proprietary

1 to Samsung, and could be used to its disadvantage by competitors if the document were not filed
2 under seal. This document should be sealed in its entirety.

3 17. Portions of the unredacted version of Samsung's Motion *in Limine* discusses or
4 refers to the information described in paragraphs 3-15 above and should be sealed for the same
5 reasons.

6
7 I declare under penalty of perjury that the forgoing is true and correct to the best of my
8 knowledge. Executed this 6th day of July, 2012, in Suwon, South Korea.

9
10
11 

12 Hankil Kang