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KONINKLIJKE PHILIPS ELECTRONICS N.V.

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10 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 APPLE, INC., a California Corporation,

13 Plaintiff,

14 v.

15 SAMSUNG ELECTRONICS CO., LTD., a  
Korean Corporation; SAMSUNG  
16 ELECTRONICS AMERICA, INC., a New York  
Corporation; SAMSUNG  
17 TELECOMMUNICATIONS AMERICA, LLC, a  
Delaware Limited Liability Company,

18 Defendants.  
19

Case No. 11-cv-01846-LHK

**SUPPLEMENTAL DECLARATION  
OF MICHAEL MARION IN SUPPORT  
OF THIRD-PARTY KONINKLIJKE  
PHILIPS ELECTRONICS N.V.'S  
ADMINISTRATIVE MOTION TO  
PARTIALLY FILE UNDER SEAL  
[DKT. 1340]**

Judge: Honorable Lucy H. Koh

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I, Michael Marion, declare as follows:


1. I am a Vice President of Philips and Head of Philips Intellectual Property and Standards, US and I submit this supplemental declaration in support of Third Party Koninklijke Philips Electronics N.V.'s ("Philips") Administrative Motion to Partially File Under Seal [Dkt. 1340]. The matters stated herein are based upon my personal knowledge, and if called as a witness, I would testify as to the following statements.
2. I understand that during a hearing on July 27, 2012, the Court granted third parties, including Philips, permission to submit supplemental declarations in support of their motions to seal certain documents or portions of documents.
3. This declaration is submitted to supplement my declaration dated July 25, 2012, in support of Philips' motion to partially seal filed on the same date, and further explains that the Philips licenses at issue (which I understand are summarized in Trial Exhibit 630 (specifically Exhibits 3A and 3B to Trial Exhibit 630)) are all currently in force.
4. I understand that Exhibits 3A and 3B to Trial Exhibit 630 contain, respectively, a summary of a license between Philips and Samsung Electronics Co., Ltd., as well as two licenses between Philips and Apple Inc. I understand that the summaries include financial terms of those licenses, such as pricing terms, payment terms, and other consideration.
5. As the summary in Exhibit 3B to Trial Exhibit 630 indicates, the two licenses between Philips and Apple Inc. are still in effect.
6. Although the summary of the license between Samsung Electronics Co., Ltd. and Philips in Exhibit 3A to Trial Exhibit 630 states that the license expired on December 31, 2002, that is incorrect. The license has been extended and is still in force.
7. The financial terms of the licenses are highly sensitive and proprietary trade secrets to Philips, and are only known by the parties to the agreements. Maintaining the confidentiality of these terms is critical because Philips continues to license the products, patents, and technology at issue in the agreements to this day.
8. If the financial terms of the agreements are released to the public, Philips will suffer

1 irreparable harm, because potential licensees of Philips' intellectual property will be able to  
2 use the information to negotiate against Philips in future licensing negotiations, and Philips  
3 will lose leverage in such future negotiations.

4 9. Furthermore, the terms in the license summaries offer insight into Philips' licensing plans  
5 and strategies, which are still in use by Philips today. Knowledge of such plans and  
6 strategies will provide potential licensees of Philips' an unfair competitive advantage in  
7 licensing negotiations to Philips' detriment.

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9 I declare under penalty of perjury under the laws of the United States that the foregoing is  
10 true and correct.

11 Executed this 30<sup>th</sup> day of July, 2012, at Briarcliff Manor, NY, USA.

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14 Michael Marion  
15 VP, and Head of IP&S, US,  
16 a unit of Koninklijke Philips Electronics N.V.

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