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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., A CALIFORNIA CORPORATION,)	C-11-01846 LHK
)	
)	SAN JOSE, CALIFORNIA
PLAINTIFF,)	
)	JULY 27, 2012
VS.)	
)	PAGES 1-85
SAMSUNG ELECTRONICS CO., LTD., A KOREAN BUSINESS ENTITY; SAMSUNG ELECTRONICS AMERICA, INC., A NEW YORK CORPORATION; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, A DELAWARE LIMITED LIABILITY COMPANY,)	
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DEFENDANTS.)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE

APPEARANCES ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

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A P P E A R A N C E S:

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APPEARANCES CONTINUED ON NEXT PAGE

1 VERSUS JUST A SUMMARY OR DESCRIPTION OF THEM.

2 SAME FOR, YOU KNOW, PRODUCT SCHEMATICS.
3 I'LL NEED TO ACTUALLY SEE THEM.

4 BUT IF THEY PREVIOUSLY DEALT WITH
5 NONDISCLOSURE AGREEMENTS AND PROPER EFFORTS WERE
6 MADE TO PRESERVE THE CONFIDENTIALITY, THAT IS
7 ANOTHER CATEGORY.

8 BASED ON THE NINTH CIRCUIT'S DECISION IN
9 ELECTRONIC ARTS, PRICING, ROYALTY RATES, MINIMUM
10 PAYMENT TERMS OF LICENSING AGREEMENTS WILL BE
11 SEALABLE.

12 AND I THINK TO DO OTHERWISE GOT THE
13 DISTRICT JUDGE REVERSED, SO I'M GOING TO FOLLOW THE
14 NINTH CIRCUIT PRECEDENT ON THAT.

15 NOW, THE NINTH CIRCUIT DECISION DID NOT
16 ADDRESS THE DURATION OF THE LICENSE, BUT I WILL
17 ALLOW THAT ALSO TO BE SEALED.

18 NOW, OBVIOUSLY IF THE LICENSE HAS IN ANY
19 WAY BECOME PUBLIC, YOU CAN'T SEAL IT.

20 THE PRODUCTION CAPACITY ISSUE ON THE SAME
21 BASIS AS THE RATIONALE SET FORTH IN ELECTRONIC ARTS
22 COULD BE SEALABLE, BUT I'LL HAVE TO SEE WHAT YOU'RE
23 ACTUALLY REQUESTING BECAUSE IF IT'S OVERBROAD, IT
24 WILL NOT BE SEALED.

25 AND THEN THE THIRD PARTY MARKET DATA,

1 TYPES OF INFORMATION WITH REGARD TO THE LICENSES
2 AND THEY EFFECTIVELY WERE THE DURATION, THE
3 COMPENSATION TERM, AND --

4 WHAT WAS THE THIRD CATEGORY OF
5 INFORMATION THAT YOU ALL WANTED TO SEAL?

6 MR. HEMMINGER: AND THE PRICING AND THE
7 PAYMENT.

8 THE COURT: I'M SORRY?

9 MR. HEMMINGER: AND THE PAYMENT TERMS.

10 THE COURT: RIGHT. I PUT THAT IN THE
11 COMPENSATION CATEGORY.

12 MR. HEMMINGER: RIGHT.

13 THE COURT: THOSE ARE FINE.

14 MR. HEMMINGER: OKAY.

15 THE COURT: SO AS FAR AS THE THIRD
16 PARTIES ARE CONCERNED, YOUR REQUEST TO PROTECT
17 THOSE, YOU KNOW, ROYALTY RATE AND THE NO PAYMENT
18 TERM, COMPENSATION TERM, HOWEVER IT'S STRUCTURED
19 AND THE DURATION PRICING, THAT'S FINE.

20 MR. HEMMINGER: OKAY. THANK YOU, YOUR
21 HONOR.

22 THE COURT: SO ANY OF THE OTHER THIRD
23 PARTY WHO WISHES TO BE HEARD?

24 MR. MCCAULEY: GOOD AFTERNOON, YOUR
25 HONOR. ROBERT MCCAULEY ON BEHALF OF PHILIPS

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT
REPORTER OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED
TRANSCRIPTION TO THE BEST OF MY ABILITY.

/s/

LEE-ANNE SHORTRIDGE, CSR, CRR
CERTIFICATE NUMBER 9595

DATED: JULY 28, 2012