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

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,
 19 Plaintiff,
 20 vs.
 21 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 22 ELECTRONICS AMERICA, INC., a New
 York corporation; SAMSUNG
 23 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,
 24 Defendants.
 25

CASE NO. 11-cv-01846-LHK
**SAMSUNG’S RESPONSE TO APPLE’S
 MOTION REGARDING
 SEALING ISSUES RELATED TO
 AUGUST 3 WITNESS
 EXAMINATIONS**

1 Samsung respectfully responds to Apple’s Motion Regarding Sealing Issues Related to
2 August 3 Witness Examinations (Dkt. No. 1594) as follows:

3 **I. Apple, Not Samsung, Identified Apple’s Sales Summaries as Witness Exhibits.**

4 Apple’s motion is incorrect with regard to PX102 and PX103, two documents containing
5 Apple sales information. PX102 and PX103 were identified by Apple for use in Mr. Schiller’s
6 direct examination. Contrary to Apple’s assertion, Samsung did not identify PX102 or PX103 as
7 cross-examination exhibits. If Apple uses either of these documents on direct, Samsung reserves
8 the right to cross examine Mr. Schiller on the same documents. Conversely, if Apple does not use
9 PX102 and PX103 on direct, Samsung does not intend to introduce either of these exhibits on cross
10 examination. Therefore, Apple’s motion with respect to these two exhibits appears to be moot.

11 Apple and Samsung are in the process of negotiating procedures for dealing with this type
12 of sensitive sales information.

13 **II. The Court Has Ruled that Apple’s Survey Documents Are Party Admissions.**

14 DX617 is an Apple survey document. The Court has overruled Apple’s objection to
15 Samsung’s use of DX617 and similar documents. The Court stated that “[t]hese Apple surveys
16 may be used to impeach Mr. Schiller. Moreover, these documents are Apple’s internal company
17 documents and thus are party admissions.” (Dkt. No. 1563 at 7.) DX534, DX767, and DX774-
18 76 are the same type of Apple survey documents bearing different dates. They are likewise party
19 admissions.

20 **III. The Court Indicated that Apple Surveys Do Not Meet the Standard for Sealing.**

21 The Court’s guidance regarding the standard for sealing trial exhibits, as expressed during
22 the July 27, 2012 pre-trial conference, did not contemplate that material such as Apple’s survey
23 documents would meet the high standard for sealing trial exhibits. Samsung believes that Apple’s
24 proposed procedures for daily redacting or selecting pages from nonsealable exhibits is impractical.
25 Samsung has informed Apple of its position in the negotiations to which Apple refers.

1 DATED: August 3, 2012

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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By /s/ Victoria Maroulis

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