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LTD., SAMSUNG ELECTRONICS AMERICA,

14 INC. and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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 Defendant.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF MELISSA N. CHAN  
IN SUPPORT OF SAMSUNG'S  
STIPULATED ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PURSUANT TO CIVIL LOCAL RULES 7-  
11 AND 79-5**

Date: October 13, 2011

Time: 1:30 pm

Place: Courtroom 8, 4th Floor

Judge: Hon. Lucy H. Koh

1 I, Melissa N. Chan, declare:

2 1. I am an associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung  
4 Telecommunications America, LLC (collectively, "Samsung"). I have personal knowledge of the  
5 facts set forth in this declaration and, if called upon as a witness, I could and would testify to such  
6 facts under oath.

7 2. Exhibits M, N, LL, MM, OO, and QQ of the Declaration of Sara Jenkins in support  
8 of Samsung's Opposition to Apple Inc.'s ("Apple") Motion for a Preliminary Injunction ("Jenkins  
9 Declaration") contain transcript excerpts and exhibits from the deposition of Mr. Richard Lutton  
10 ("the Lutton Tr."). Apple initially designated the entire deposition as HIGHLY  
11 CONFIDENTIAL-ATTORNEYS' EYES ONLY under the interim protective order, but revised its  
12 designations on August 16, 2011. However, the deposition excerpts and exhibits attached as  
13 Exhibits M, N, LL, MM, and OO to the Jenkins Declaration remain designated by Apple as either  
14 CONFIDENTIAL or HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the  
15 interim protective order. Pursuant to General Order No. 62, copies of Exhibits M, N, LL, MM,  
16 and OO of the Jenkins Declaration have been lodged with the Court for in camera review, served  
17 on all parties, and will be e-filed with the Court pending the Court's granting of this Motion to  
18 Seal.

19 3. Exhibit O of the Jenkins Declaration contains transcript excerpts from the  
20 deposition of Mr. Cooper Woodring ("the Woodring Tr."). Apple initially designated the entire  
21 deposition as HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the interim  
22 protective order, but revised its designations on August 12, 2011. However, a portion of the  
23 deposition excerpts attached as Exhibit O of the Jenkins Declaration remain designated by Apple  
24 as either CONFIDENTIAL or HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under  
25 the interim protective order. Pursuant to General Order No. 62, a copy of Exhibit O of the Jenkins  
26 Declaration has been lodged with the Court for in camera review, served on all parties, and will be  
27 e-filed with the Court pending the Court's granting of this Motion to Seal.

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1           4.       Exhibit P of the Jenkins Declaration contains transcript excerpts from the  
2 deposition of Mr. Christopher Stringer (“the Stringer Tr.”). Apple has designated this deposition  
3 as HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY under the interim protective order.  
4 Pursuant to General Order No. 62, a copy of Exhibit P of the Jenkins Declaration has been lodged  
5 with the Court for in camera review, served on all parties, and will be e-filed with the Court  
6 pending the Court’s granting of this Motion to Seal.

7           5.       Exhibit FF of the Jenkins Declaration is a copy of Apple Inc.’s Objections and  
8 Responses to Samsung’s Interrogatories to Apple Relating to Apple Inc.’s Motion for Preliminary  
9 Injunction and Apple Inc.’s August 18, 2011 verification of its interrogatory responses. Apple has  
10 indicated that this document “Contains Highly Confidential – Outside Attorney’s Eyes Only  
11 Information” pursuant to the interim protective order. Pursuant to General Order No. 62, a copy  
12 of Exhibit FF of the Jenkins Declaration has been lodged with the Court for in camera review,  
13 served on all parties, and will be e-filed with the Court pending the Court’s granting of this  
14 Motion to Seal.

15           6.       Exhibit HH of the Jenkins Declaration contains transcript excerpts from the  
16 deposition of Mr. Bas Ording (“the Ording Tr.”). Apple has designated this deposition as  
17 HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY under the interim protective order.  
18 Pursuant to General Order No. 62, a copy of Exhibit HH of the Jenkins Declaration has been  
19 lodged with the Court for in camera review, served on all parties, and will be e-filed with the  
20 Court pending the Court’s granting of this Motion to Seal.

21           7.       Exhibit NN of the Jenkins Declaration contains transcript excerpts from the  
22 deposition of Ms. Sissie Twiggs (“the Twiggs Tr.”). Apple initially designated the entire  
23 deposition as HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY under the interim  
24 protective order, but revised its designations on August 17, 2011. However, a portion of the  
25 deposition excerpts attached as Exhibit NN of the Jenkins Declaration remain designated by Apple  
26 as either CONFIDENTIAL or HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY under  
27 the interim protective order. Pursuant to General Order No. 62, a copy of Exhibit NN of the  
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1 Jenkins Declaration has been lodged with the Court for in camera review, served on all parties,  
2 and will be e-filed with the Court pending the Court's granting of this Motion to Seal.

3 8. Given that Apple designated all or portions of the excerpts and exhibits of the  
4 depositions of Richard Lutton, Cooper Woodring, Christopher Stringer, Bas Ording and Sissie  
5 Twiggs and Apple Inc.'s Objections and Responses to Samsung's Interrogatories to Apple  
6 Relating to Apple Inc.'s Motion for Preliminary Injunction as CONFIDENTIAL or HIGHLY  
7 CONFIDENTIAL-ATTORNEYS' EYES ONLY, those documents, excerpts and exhibits attached  
8 as Exhibits M, N, O, LL, P, FF, HH, MM, NN, OO, and QQ to the Jenkins Declaration are  
9 properly filed under seal under Local Rule 79-5(d).

10 9. On July 21, 2011, the Declaration of Richard J. Lutton in Support of Apple's  
11 Motion for a Preliminary Injunction ("Lutton Decl.") was e-filed under seal. Dkt. No. 128.

12 10. The Declaration of Michael Wagner ("Wagner Decl."), and Exhibits B, D and E to  
13 the Wagner Decl., submitted in support of Samsung's Opposition to Apple's Motion for  
14 Preliminary Injunction, discuss documents that have been produced and designated  
15 CONFIDENTIAL or HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY by Apple.  
16 Pursuant to General Order No. 62, copies of the Declaration of Michael Wagner and its exhibits  
17 have been lodged with the Court for in camera review, served on all parties, and will be e-filed  
18 with the Court pending the Court's granting of this Motion to Seal.

19 11. Paragraph 58 and Exhibit 3 of the Declaration of Jeffrey Johnson ("Johnson  
20 Decl."), submitted in support of Samsung's Opposition to Apple's Motion for Preliminary  
21 Injunction, include confidential, non-public Samsung information, including highly confidential  
22 source code, which constitute Samsung trade secrets and intellectual property. Pursuant to  
23 General Order No. 62, a copy of the Declaration of Jeffrey Johnson has been lodged with the  
24 Court for in camera review, served on all parties, and will be e-filed with the Court pending the  
25 Court's granting of this Motion to Seal.

26 12. Since the information discussed in the paragraphs listed above from the Wagner  
27 Decl. and the Johnson Decl. has been designated by Apple as HIGHLY CONFIDENTIAL-  
28 ATTORNEYS' EYES ONLY or constitutes highly confidential Samsung trade secrets and source

1 code, the paragraphs listed above from those Declarations are properly filed under seal under  
2 Local Rule 79-5.

3           13.     The confidential, unredacted version of Samsung’s Opposition to Apple’s Motion  
4 for a Preliminary Injunction (“Opposition”) contains information or testimony from each of the  
5 excerpts designated CONFIDENTIAL or HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES  
6 ONLY from the Lutton Tr., the Twiggs Tr., the Woodring Tr., the Stringer Tr., and the Ordning Tr.  
7 The Opposition also includes information from the paragraphs referenced above from the Lutton  
8 Decl., the Wagner Decl., and the Johnson Decl. Pursuant to General Order No. 62, a copy of the  
9 confidential, unredacted version of the Opposition has been lodged with the Court for in camera  
10 review, served on all parties, and will be e-filed with the Court pending the Court’s granting of  
11 this Motion to Seal.

12           14.     On August 18, 2011, my colleague, Sara Jenkins, counsel for Samsung, e-mailed  
13 counsel for Apple, requesting that Apple agree to the filing under seal of the sections of  
14 Samsung’s Opposition to Apple’s Motion for a Preliminary Injunction, and the supporting  
15 declarations or exhibits, which include confidential information. In response to this email,  
16 Apple’s counsel indicated that Apple would not oppose Samsung’s Administrative Motion to file  
17 this information under seal.

18           I declare under penalty of perjury under the laws of the United States that the foregoing is  
19 true and correct. Executed in Redwood Shores, CA on August 22, 2011.

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1 DATED: August 22, 2011

Respectfully submitted,

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QUINN EMANUEL URQUHART &  
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By  /s/ Melissa N. Chan  
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