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13 Attorneys for SAMSUNG ELECTRONICS CO.,
 LTD., SAMSUNG ELECTRONICS AMERICA,
 14 INC. and SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC
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16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
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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.
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CASE NO. 11-cv-01846-LHK

**DECLARATION OF RACHEL HERRICK
 KASSABIAN IN SUPPORT OF
 SAMSUNG'S MOTION TO PERMIT
 SAMSUNG'S EXPERT ITAY SHERMAN
 TO REVIEW DESIGN MATERIALS
 DESIGNATED UNDER THE
 PROTECTIVE ORDER**

Date: Friday, December 16, 2011
 Time: 10:00 a.m.
 Place: Courtroom 5, 4th Floor
 Judge: Hon. Paul S. Grewal

1 I, Rachel Herrick Kassabian, declare:

2 1. I am a partner 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 submit this declaration in
5 support of Samsung's Motion to Permit Samsung's Expert Itay Sherman To Review Design
6 Materials Designated Under The Protective Order. I have personal knowledge of the facts set
7 forth in this declaration and, if called upon as a witness, I could and would testify to such facts
8 under oath.

9 2. On September 20, 2011, during a meet and confer session that included myself and
10 counsel for Apple, Samsung offered a compromise to Apple to let Itay Sherman view a limited
11 number of design-related confidential documents. In particular, Samsung asked Apple to allow
12 Mr. Sherman to view CAD files, design inventor notebooks, the deposition transcript of Apple
13 design patent inventor Christopher Stringer, and Apple presentations showing that certain features
14 of Apple's designs are functional. The parties also discussed whether Apple would consider
15 letting Mr. Sherman view confidential design documents if Samsung first provided a list of the
16 documents to Apple. Counsel for Samsung explained to counsel for Apple that while we
17 disagreed that Mr. Sherman's business competed with Apple's, in the interest of compromise we
18 would agree that Mr. Sherman would not be allowed to view documents related to multi-touch
19 technology.

20 3. On September 24, 2011, Jason Bartlett, counsel for Apple, sent an email to me and
21 other counsel for Samsung indicating that Apple would not allow Samsung to disclose any of
22 Apple's confidential documents to Mr. Sherman, including design documents such as CAD files
23 and sketchbooks. Mr. Bartlett represented that Apple's objection continued to be based on Mr.
24 Sherman's role as the owner and CTO of DoubleTouch, and Apple's purported belief that
25 DoubleTouch is developing a technology designed to compete with Apple's touch technology.
26 Apple also based its objection on its purported belief that Mr. Sherman "consults for companies
27 that are designing technologies and products that have been or may be offered by handset
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General Order 45 Attestation

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file this Declaration. In compliance with General Order 45(X)(B), I hereby attest that Rachel Herrick Kassabian has concurred in this filing.

/s/ Victoria Maroulis