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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.  
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CASE NO. 11-cv-01846-LHK

**DECLARATION OF MELISSA N. CHAN  
 IN SUPPORT OF SAMSUNG'S  
 ADMINISTRATIVE MOTION TO FILE  
 DOCUMENTS UNDER SEAL**

1 I, Melissa N. Chan, declare:

2 1. I am an attorney 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”). Unless otherwise indicated, I  
5 have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I  
6 could and would testify as follows.

7 2. The requested relief is necessary to protect the confidentiality of information  
8 discussed in Samsung’s Opposition to Apple’s Motion to Compel; Exhibits 1, 9, 10, and 11 to the  
9 Declaration of Melissa Chan in Support of Samsung’s Opposition to Apple’s Motion to Compel  
10 (the “Chan Declaration”); the Declaration of Sara Jenkins in Support of Samsung’s Opposition to  
11 Apple’s Motion to Compel (the “Jenkins Declaration”) and the exhibits attached thereto; and the  
12 Declaration of Edward Kim.

13 3. Exhibit 1 of the Chan Declaration is a letter from Samsung’s counsel to Apple’s  
14 counsel. The letter discloses information that Apple claims is confidential and redacted from its  
15 own exhibits. Samsung expects that pursuant to Civil Local Rule 79-5(d), Apple will file a  
16 declaration establishing good cause to permit the sealing of this document.

17 4. Exhibit 9 of the Chan Declaration is a letter from Samsung’s counsel to Apple’s  
18 counsel. This letter discloses information from Samsung’s Identification of Custodians,  
19 Litigation Hold Notices, and Search Terms, which Samsung has designated as HIGHLY  
20 CONFIDENTIAL — ATTORNEYS EYES ONLY. This document contains commercially  
21 sensitive business information, including confidential information relating to Samsung’s internal  
22 business and design operations as well as the personnel involved in developing and marketing  
23 Samsung’s products. This information is confidential and proprietary to Samsung, and could be  
24 used to its disadvantage by competitors if it were not filed under seal.

25 5. Exhibit 10 of the Chan Declaration is a copy of Samsung’s Second Supplemental  
26 Objections and Responses to Apple’s Interrogatories to Defendants Relating to Apple’s Motion  
27 for a Preliminary Injunction – Set Two (Nos. 10-11), which Samsung has designated as HIGHLY  
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1 CONFIDENTIAL — ATTORNEYS EYES ONLY. This document contains commercially  
2 sensitive business information, including confidential information relating to the development and  
3 design of Samsung’s products. This information could be used to Samsung’s disadvantage by  
4 competitors if it were not filed under seal.

5 6. Exhibit 11 of the Chan Declaration is a copy of Samsung’s Supplemental  
6 Objections and Responses to Apple’s Interrogatories to Defendants Relating to Apple’s Motion  
7 for a Preliminary Injunction – Set Two (Nos. 10-14), which has been designated by Samsung as  
8 HIGHLY CONFIDENTIAL — ATTORNEYS EYES ONLY. This document contains  
9 commercially sensitive business information, including confidential information relating to  
10 consumer research, development and marketing of Samsung’s products. This information is  
11 confidential and proprietary to Samsung, and could be used to its disadvantage by competitors if it  
12 were not filed under seal.

13 7. Exhibit 1 of the Jenkins Declaration is a copy of Samsung’s Identification of  
14 Custodians, Litigation Hold Notices, and Search Terms, which has been designated by Samsung  
15 as HIGHLY CONFIDENTIAL — ATTORNEYS EYES ONLY. This document contains  
16 commercially sensitive business information, including confidential information relating to  
17 Samsung’s internal business and design operations as well as the personnel and organizational and  
18 reporting structures involved in developing and marketing Samsung’s products. This  
19 information is confidential and proprietary to Samsung, and could be used to its disadvantage by  
20 competitors if it were not filed under seal.

21 8. Exhibit 2 of the Jenkins Declaration is a copy of Samsung’s Second Supplemental  
22 Objections and Responses to Apple’s Interrogatories to Defendants Relating to Apple’s Motion  
23 for a Preliminary Injunction – Set Two (Nos. 10-11), which Samsung has designated as HIGHLY  
24 CONFIDENTIAL — ATTORNEYS EYES ONLY. This document contains commercially  
25 sensitive business information, including confidential information relating to the development and  
26 design of Samsung’s products. This information could be used to Samsung’s disadvantage by  
27 competitors if it were not filed under seal.

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1           9.       Exhibit 4 of the Jenkins Declaration consists of excerpts from the deposition  
2 transcript of Mr. Peter Russell-Clarke, an Apple witness, that Apple has designated as HIGHLY  
3 CONFIDENTIAL — ATTORNEYS EYES ONLY. Samsung expects that pursuant to Civil  
4 Local Rule 79-5(d), Apple will file a declaration establishing good cause to permit the sealing of  
5 this document.

6           10.       Exhibit 5 consists of excerpts from the deposition transcript of Mr. Richard  
7 Howarth, an Apple witness, that Apple has designated as HIGHLY CONFIDENTIAL —  
8 ATTORNEYS EYES ONLY. Samsung expects that pursuant to Civil Local Rule 79-5(d), Apple  
9 will file a declaration establishing good cause to permit the sealing of this document.

10          11.       The Jenkins Declaration summarizes and describes the contents of Exhibits 1-2 and  
11 4-5, which contain Samsung's confidential information as discussed in paragraphs 7-10 above.  
12 The declaration therefore contains highly confidential and commercially sensitive business  
13 information for the same reasons as discussed above. The declaration also describes in detail the  
14 confidential documents that have been produced by Apple and Samsung in this litigation. The  
15 description of the content and nature of Samsung's confidential documents is confidential and  
16 proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed  
17 under seal.

18          12.       The Declaration of Edward Kim describes Samsung's confidential business  
19 operations, including its internal files and computers. The document contains commercially  
20 sensitive business information that could be used to Samsung's disadvantage by competitors and  
21 could create security risks if it were not filed under seal.

22          13.       The unredacted version of Samsung's Opposition to Apple's Motion to Compel  
23 summarizes and describes the contents of the exhibits and declaration described above, which  
24 contain Samsung's confidential information as discussed in paragraphs 3-12 above. The  
25 unredacted opposition brief therefore contains highly confidential and commercially sensitive  
26 business information for the same reasons as discussed above. This information is confidential  
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1 and proprietary to Samsung, and could be used to its disadvantage by competitors if it were not  
2 filed under seal.

3 14. Pursuant to the Court's December 7, 2011 order (Dkt No. 455), attached as exhibits  
4 to the Motion to File Under Seal are the proposed public redacted versions of the documents,  
5 where redactions are possible, that Samsung is seeking to file under seal.

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7 I declare under penalty of perjury that the foregoing is true and correct. Executed in  
8 Redwood Shores, California on December 14, 2011.

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10 /s/ Melissa N. Chan  
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