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

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
 18

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 MELISSA N. CHAN  
 IN SUPPORT OF SEALING APPLE'S  
 MOTION TO COMPEL, THE  
 DECLARATION OF MIA MAZZA AND  
 EXHIBITS 3, 8, 10, 12, 13, 14, AND 15  
 THERETO, AND THE DECLARATION  
 OF MINN CHUNG AND EXHIBITS A-D  
 THERETO**

1 Pursuant to Civil L.R. 79-5(d), Defendants Samsung Electronics Co., Ltd., Samsung  
2 Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively  
3 “Samsung”) submit the appended declaration of Melissa N. Chan in support of Apple’s  
4 Administrative Motion to File Under Seal (Dkt. No. 467), to establish that the following are  
5 sealable:

- 6 • Apple’s Motion to Compel Production of Documents and Things;
- 7 • Declaration of Mia Mazza in Support of Apple’s Motion to Compel Production of  
8 Documents and Things;
- 9 • Exhibits 3, 8, 10, 12, 13, 14, and 15 of the Declaration of Mia Mazza;
- 10 • Declaration of Minn Chung in Support of Apple’s Motion to Compel Production of  
11 Documents and Things; and
- 12 • Exhibits A-D of the Declaration of Minn Chung.

13 **DECLARATION OF MELISSA N. CHAN**

14 I, Melissa N. Chan, do hereby declare as follows:

15 1. I am an associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
16 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung  
17 Telecommunications America, LLC (collectively, “Samsung”). I submit this Declaration in  
18 support of Apple’s Administrative Motion to File Under Seal (Dkt. No. 467). I have personal  
19 knowledge of the facts set forth in this Declaration and, if called as a witness, could and would  
20 competently testify to them.

21 2. Exhibits 3, 8, 10, 12, 13, 14, and 15 of the Declaration of Mia Mazza in Support of  
22 Apple’s Motion to Compel Production of Documents and Things are correspondences between  
23 Samsung counsel and Apple counsel which describe the identity and contents of documents  
24 designated as HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY by Samsung. The  
25 correspondence discusses the identity of personnel responsible for Samsung’s business operations,  
26 the locations and details regarding such business operations, and the details of confidential  
27 documents relating to Samsung’s design and product development strategy, consumer research,  
28

1 marketing strategy and market analysis. This information is confidential and proprietary to  
2 Samsung, and could be used to its disadvantage by competitors if it were not filed under seal.

3 3. Apple has redacted some of this information in its publicly filed exhibits; however,  
4 Apple has also redacted other information on page 6 of Exhibit 3, for which I am not aware of  
5 Apple's basis for confidentiality and therefore cannot establish the good cause for such redaction.

6 4. The Declaration of Mia Mazza in Support of Apple's Motion to Compel Production  
7 of Documents and Things summarizes and describes the contents of Exhibits 3, 8, 10, 12, 13, 14,  
8 and 15, which contain Samsung's confidential information as discussed in paragraph 2 above.

9 The declaration therefore contains highly confidential and commercially sensitive business  
10 information, including confidential information regarding personnel responsible for Samsung's  
11 business operations, the locations and details regarding such business operations, and the details of  
12 confidential documents relating to Samsung's design and product development strategy, consumer  
13 research, marketing strategy and market analysis. This information is confidential and proprietary  
14 to Samsung, and could be used to its disadvantage by competitors if it were not filed under seal.

15 5. Exhibit A of the Declaration of Minn Chung in Support of Apple's Motion to  
16 Compel Production of Documents and Things is a prior declaration of Minn Chung which  
17 discusses the contents of confidential Samsung documents including confidential information  
18 relating to Samsung's product design, confidential technical and manufacturing specifications for  
19 Samsung products, and confidential sales and marketing information. The document was also  
20 filed under seal as Dkt. No. 268. This information is confidential and proprietary to Samsung, and  
21 could be used to its disadvantage by competitors if it were not filed under seal.

22 6. Exhibits B-D of the Declaration of Minn Chung in Support of Apple's Motion to  
23 Compel Production of Documents and Things are Samsung's documents which were designated  
24 HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the interim protective order.  
25 These documents contain highly confidential and commercially sensitive business information,  
26 including confidential information from the files of Samsung's designers relating to the design of  
27 Samsung's products, confidential information regarding product evaluation techniques, and  
28 confidential information regarding the technical specifications of Samsung's products. This



1 information is confidential and proprietary to Samsung, and could be used to its disadvantage by  
2 competitors if it were not filed under seal.

3         7.       The Declaration of Minn Chung in Support of Apple's Motion to Compel  
4 Production of Documents and Things summarizes and describes the contents of Exhibits A-D,  
5 which contain Samsung's confidential information as discussed in paragraphs 5 and 6 above. The  
6 declaration therefore contains highly confidential and commercially sensitive business  
7 information, including confidential information from the files of Samsung's designers relating to  
8 the design of Samsung's products, confidential information regarding product evaluation  
9 techniques, and confidential information regarding the technical specifications of Samsung's  
10 products. This information is confidential and proprietary to Samsung, and could be used to its  
11 disadvantage by competitors if it were not filed under seal.

12         8.       Apple's motion to compel summarizes and describes the contents of the documents  
13 which contain Samsung's confidential information as described in paragraphs 2 and 4-7 above.  
14 This information is confidential and proprietary to Samsung, and could be used to its disadvantage  
15 by competitors if it were not filed under seal.

16         9.       The requested relief is necessary and narrowly tailored to protect this confidential  
17 information. The exhibits and documents described above do not contain significant relevant,  
18 non-confidential material.

19         I declare under penalty of perjury that the forgoing is true and correct to the best of my  
20 knowledge.

21         Executed this 15 day of December, 2011, in Redwood Shores, California.

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Melissa N. Chan