

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
 Charles K. Verhoeven (Bar No. 170151)
 2 charlesverhoeven@quinnemanuel.com
 50 California Street, 22nd Floor
 3 San Francisco, California 94111
 Telephone: (415) 875-6600
 4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Bar No. 177129)
kevinjohnson@quinnemanuel.com
 6 Victoria F. Maroulis (Bar No. 202603)
victoriamaroulis@quinnemanuel.com
 7 555 Twin Dolphin Drive, 5th Floor
 Redwood Shores, California 94065-2139
 8 Telephone: (650) 801-5000
 Facsimile: (650) 801-5100

9 Michael T. Zeller (Bar No. 196417)
 10 michaelzeller@quinnemanuel.com
 865 S. Figueroa St., 10th Floor
 11 Los Angeles, California 90017
 Telephone: (213) 443-3000
 12 Facsimile: (213) 443-3100

13 Attorneys for SAMSUNG ELECTRONICS CO.,
 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.
 26

CASE NO. 11-cv-01846-LHK

**DECLARATION OF HANKIL KANG IN
 SUPPORT OF SAMSUNG'S MOTION
 FOR LEAVE TO FILE MOTION FOR
 RECONSIDERATION**

27
 28

1 I, Hankil Kang, do hereby declare as follows:

2 1. I am Legal Counsel at Samsung Electronics Co., Ltd. I submit this Declaration in
3 support of Samsung's Motion for Leave to File Motion for Reconsideration and Motion for
4 Reconsideration. I have personal knowledge of the facts set forth in this Declaration and, if called
5 as a witness, could and would competently testify to them.

6 2. Exhibit E of the Chung Declaration is a study conducted by Samsung in early 2011
7 entitled "Premium & Mass Design Preference Study: Design Planning & Strategy." This
8 document reveals the methodology Samsung uses in conducting qualitative consumer research in
9 its efforts to elicit and understand consumer perceptions and preferences. This document further
10 reveals how Samsung classifies and evaluates different segments of the smartphone market.

11 3. In addition to revealing Samsung's consumer research methodology, Exhibit E
12 discusses the study's competitive analysis of design preferences relating to size, shape, color, and
13 configuration of smartphone keypads. Samsung invested significant resources in conducting this
14 consumer and competitive research, which will now accrue to the benefit of Samsung's
15 competitors unless this document is filed under seal.

16 4. Exhibit E depicts unreleased prototypes of Samsung products that have never been
17 disclosed to the public, referencing them according to confidential internal product designators.
18 Samsung has not permanently discarded these designs and may seek to exploit them in the future.
19 The value of these prototypes and the designs they embody will be lost if they are made available
20 to the public.

21 5. Exhibit E contains commercially sensitive business information, including
22 confidential information from the files of Samsung's designers relating to the design of Samsung's
23 products and confidential information regarding product evaluation techniques. Samsung takes
24 significant steps to strictly maintain the confidentiality of this information, which is only shared
25 with employees who work on such issues as part of their regular job duties. Samsung protects this
26 information as a trade secret, and for that reason produced this document and similar documents
27 with the designation HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY under the interim
28

1 protective order. This information could be used to Samsung's disadvantage if it were not filed
2 under seal.

3 6. Apple's Motion to Augment Record summarizes, describes and/or directly cites to
4 the confidential Chung Declaration and Samsung's confidential information, including the
5 information contained in Exhibit E, discussed in paragraphs 2 - 5 above. Therefore, the motion
6 should remain under seal for the same reasons articulated above.

7 7. The requested relief is necessary and narrowly tailored to protect the confidentiality
8 of information contained or discussed in Apple's Motion to Augment the Record and Exhibit E of
9 the Chung Declaration.

10

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

13 Executed this 22nd day of December, 2011, in Seoul, Korea.

14

15 
16 _____

17

18

19

20

21

22

23

24

25

26

27

28

