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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.
 25

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 contained in Exhibit X of the Declaration of Mark Tung In Support of Samsung's Notice of
9 Lodging Materials In Opposition to Apple's Motion for Preliminary Injunction (the “Tung
10 Declaration”).

11 3. I am informed and believe that the following portions of Exhibit X discuss and cite
12 to documents and information that Plaintiff Apple, Inc. (“Apple”) has designated as HIGHLY
13 CONFIDENTIAL — ATTORNEYS EYES ONLY: pages 24, 74-78, 98, 100, 103, 106, 202-205,
14 209-210, 212-213, 222, 224-228, and 248. Samsung expects that Apple will file the declaration
15 required by Civ. L.R. 79-5(d) to establish these portions of Exhibit X as sealable.

16 4. Pages 214 and 215 of Exhibit X reference and discuss the Declaration of Michael
17 Wagner, which Samsung has designated as HIGHLY CONFIDENTIAL — ATTORNEYS EYES
18 ONLY, and which the Court has previously recognized as sealable. (*See* Dkt. No. 407.) This
19 portion of Exhibit X discusses commercially sensitive business information and marketing studies
20 generated by Samsung. This information is confidential and proprietary to Samsung, and could
21 be used to its disadvantage by competitors if it were not filed under seal.

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

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I declare under penalty of perjury that the foregoing is true and correct. Executed in
Redwood Shores, California on December 22, 2011.

/s/ Melissa N. Chan

