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13 Attorneys for SAMSUNG ELECTRONICS CO.,

LTD., SAMSUNG ELECTRONICS AMERICA,

14 INC. and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF MELISSA N. CHAN
IN SUPPORT OF SEALING APPLE'S
MOTION TO COMPEL DISCOVERY
RELATING TO APPLE'S AFFIRMATIVE
DEFENSES AND COUNTERCLAIMS
AND EXHIBITS C-T, V, CC, AND EE TO
THE MASELLI DECLARATION IN
SUPPORT THEREOF, PURSUANT TO
LOCAL RULE 79-5(d)**

27 Pursuant to Civil L.R. 79-5(d), Defendants Samsung Electronics Co., Ltd., Samsung

28 Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively

1 “Samsung”) submit the appended declaration of Melissa N. Chan in support of Apple’s
2 Unopposed Administrative Motion to File Apple’s Motion to Compel Discovery Relating to
3 Apple’s Affirmative Defenses and Counterclaims (Dkt. No. 600), to establish that the following
4 are sealable:

- 5 • Confidential Portions of Apple’s Motion to Compel Discovery Relating to Apple’s
6 Affirmative Defenses and Counterclaims (“Motion to Compel”);
- 7 • Confidential Portions of the Declaration of Samuel J. Maselli in Support of Apple’s
8 Motion to Compel (“Maselli Declaration”); and
- 9 • Exhibits C-T, V, CC, and EE to the Maselli Declaration).

10 **DECLARATION OF MELISSA N. CHAN**

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

12 1. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP, counsel for
13 Samsung. I submit this Declaration in support of Apple’s Administrative Motion to File Under
14 Seal (Dkt. No. 600). I have personal knowledge of the facts set forth in this Declaration and, if
15 called as a witness, could and would competently testify to them.

16 2. Exhibit C to the Maselli Declaration consists of excerpts from the deposition
17 transcript of Joonyoung Cho, Ph.D., a Samsung witness. This document contains confidential
18 business information about Dr. Cho’s work on the patent-in-suit, his participation in standards
19 bodies on behalf of Samsung, and Samsung’s internal files and organization, and has been
20 designated as HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY.

21 3. Exhibit D to the Maselli Declaration consists of excerpts from the deposition
22 transcript of Jae-Seung Yoon, a Samsung witness. This document contains confidential business
23 information about Mr. Yoon’s work on the patent-in-suit, his participation in standards bodies on
24 behalf of Samsung, and Samsung’s internal files and organization, and has been designated as
25 HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY.

26 4. Exhibit E to the Maselli Declaration consists of excerpts from the deposition
27 transcript of Juho Lee, Ph.D., a Samsung witness. This document contains confidential business
28 information about Dr. Lee’s work on the patent-in-suit, his participation in standards bodies on

1 behalf of Samsung, and Samsung's internal files and organization, and has been designated as
2 HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

3 5. Exhibit F to the Maselli Declaration consists of excerpts from the deposition
4 transcript of Gert-Jan Van Lieshout, a Samsung witness. This document contains confidential
5 business information about Mr. Lieshout's work on the patent-in-suit, his participation in
6 standards bodies on behalf of Samsung, and Samsung's internal files and organization, and has
7 been designated as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

8 6. Exhibit G to the Maselli Declaration consists of excerpts from the deposition
9 transcript of Jeong-Seok Oh, a Samsung witness. This document contains confidential business
10 information about Mr. Oh's work on the patent-in-suit, his participation in standards bodies on
11 behalf of Samsung, and Samsung's internal files and organization, and has been designated as
12 HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

13 7. Exhibit H to the Maselli Declaration consists of a letter designated as OUTSIDE
14 ATTORNEYS' EYES ONLY, sent from counsel for Apple to counsel for Samsung. This
15 document contains confidential business information about Samsung's internal files and records
16 and contains excerpts from the confidential transcripts of Jeong-Seok Oh, Sang-Ryul Park, Gert-
17 Jan Van Lieshout, Himke Van Der Velde, and Jun-Sung Lee, which have been designated
18 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY.

19 8. Exhibit I to the Maselli Declaration consists of a letter designated as OUTSIDE
20 ATTORNEYS' EYES ONLY, sent from counsel for Apple to counsel for Samsung. This
21 document contains confidential business information about Samsung's internal files and records
22 and contains excerpts from the confidential transcripts of Jun-Sung Yoon, Juho Lee and Joon
23 Young Cho, which have been designated HIGHLY CONFIDENTIAL – ATTORNEYS' EYES
24 ONLY.

25 9. Exhibit J to the Maselli Declaration consists of a letter, designated HIGHLY
26 CONFIDENTIAL – ATTORNEYS' EYES ONLY, sent to counsel for Apple from counsel for
27 Samsung. This document contains confidential business information about Samsung's internal
28 files and records and contains excerpts from the confidential transcripts of Jeong-Seok Oh, Sang-

1 Ryul Park, Gert-Jan Van Lieshout, Himke Van Der Velde, and Jun-Sung Lee, as well as
2 information from Samsung's First Amended and Supplemental Identification of Custodians,
3 Litigation Hold Notices and Search Terms, which have been designated as HIGHLY
4 CONFIDENTIAL — ATTORNEYS' EYES ONLY.

5 10. Exhibit K to the Maselli Declaration consists of a letter, designated HIGHLY
6 CONFIDENTIAL – ATTORNEYS' EYES ONLY, sent to counsel for Apple from counsel for
7 Samsung. This document contains confidential business information about Samsung's internal
8 files and records and contains excerpts from the confidential transcripts of Jun-Sung Yoon, Juho
9 Lee and Joon Young Cho, which have been designated as HIGHLY CONFIDENTIAL —
10 ATTORNEYS' EYES ONLY.

11 11. Exhibit L to the Maselli Declaration consists of Samsung's First Amended and
12 Supplemental Identification of Custodians, Litigation Hold notices and Search Terms which
13 contains confidential business information about Samsung's custodians, business organization,
14 and internal files, and has been designated HIGHLY CONFIDENTIAL – ATTORNEYS' EYES
15 ONLY.

16 12. Exhibit M to the Maselli Declaration consists of a letter sent from counsel for
17 Apple to counsel for Samsung. This document contains confidential business information about
18 Samsung's First Amended and Supplemental Identifications of Custodians, Litigation Hold
19 Notices and Search Terms which contains confidential business information about Samsung's
20 custodians, business organization, and internal files, and has been designated HIGHLY
21 CONFIDENTIAL – ATTORNEYS' EYES ONLY.

22 13. Exhibit N to the Maselli Declaration consists of a letter sent to counsel for Apple
23 from counsel for Samsung. This document contains confidential business information about
24 Samsung's internal files and organization as well as references to Samsung's First Amended and
25 Supplemental Identifications of Custodians, Litigation Hold Notices and Search Terms, and has
26 been designated as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

27 14. Exhibit O to the Maselli Declaration consists of an email sent from counsel for
28 Apple to counsel for Samsung. This document contains confidential business information about

1 Samsung's internal files and organization as well as references to Samsung's First Amended and
2 Supplemental Identifications of Custodians, Litigation Hold Notices and Search Terms, which was
3 designated as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

4 15. Exhibit P to the Maselli Declaration consists of excerpts from the deposition
5 transcript of Soeng-Hun Kim, a Samsung witness. This document contains confidential business
6 information about Mr. Kim's work on the patent-in-suit, his participation in standards bodies on
7 behalf of Samsung, and Samsung's internal files and organization, and has been designated as
8 HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

9 16. Exhibit Q to the Maselli Declaration consists of excerpts from the deposition
10 transcript of Hyeon-Woo Lee, Ph.D., a Samsung witness. This document contains confidential
11 business information about Dr. Lee's work on the patent-in-suit, his participation in standards
12 bodies on behalf of Samsung, and Samsung's internal files and organization, and has been
13 designated as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

14 17. Exhibit R to the Maselli Declaration consists of excerpts from the deposition
15 transcript of Himke Van Der Velde, a Samsung witness. This document contains confidential
16 business information about Mr. Van Der Velde's work on the patent-in-suit, his participation in
17 standards bodies on behalf of Samsung, and Samsung's internal files and organization, and has
18 been designated as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

19 18. Exhibit S to the Maselli Declaration consists of excerpts from the deposition
20 transcript of Young-Bum Kim, a Samsung witness. This document contains confidential business
21 information about Mr. Kim's work on the patent-in-suit, his participation in standards bodies on
22 behalf of Samsung, and Samsung's internal files and organization, and has been designated as
23 HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

24 19. Exhibit T to the Maselli Declaration consists of excerpts from the deposition
25 transcript of Yong Jun Kwak, a Samsung witness. This document contains confidential business
26 information about Mr. Kwak's work on the patent-in-suit, his participation in standards bodies on
27 behalf of Samsung, and Samsung's internal files and organization, and has been designated as
28 HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

1 20. Exhibit V to the Maselli Declaration consists of a letter, designated as Outside
2 Attorneys' Eyes Only, sent from counsel for Apple to counsel for Samsung. This document
3 contains confidential business information about Samsung's internal files and records and contains
4 excerpts from the confidential transcripts of Gert-Jan Van Lieshout and Himke Van Der Velde,
5 which have been designated as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.

6 21. Exhibit CC to the Maselli Declaration consists of a letter sent to counsel for Apple
7 from counsel for Samsung. This document contains confidential business information about
8 Samsung's internal files and organization as well as references to information from Samsung's
9 First Amended and Supplemental Identifications of Custodians, Litigation Hold Notices and
10 Search Terms, which was designated as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES
11 ONLY.

12 22. Exhibit EE to the Maselli Declaration consists of a letter sent to counsel for Apple
13 from counsel for Samsung. This document contains confidential business information about
14 Samsung's internal files and organization, confidential technical documents showing Samsung's
15 business relationships and design strategy, and has been designated as HIGHLY
16 CONFIDENTIAL — ATTORNEYS' EYES ONLY.

17 23. The confidential Maselli Declaration summarizes, describes and/or directly cites to
18 the confidential exhibits discussed in paragraphs 2 through 22 above. Therefore, the declaration
19 should remain under seal for the same reasons articulated above.

20 24. Apple's Motion to Compel summarizes, describes and/or directly cites to the
21 confidential Maselli Declaration and the confidential exhibits discussed in paragraphs 2 through
22 22 above. Therefore, the motion should remain under seal for the same reasons articulated above.

23 25. The requested relief is necessary and narrowly tailored to protect this confidential
24 information. The exhibits described above do not contain significant relevant, non-confidential
25 material.

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

Executed this 17th day of January, 2012, in Palo Alto, CA.

/s/ Melissa N. Chan

Melissa N. Chan

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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 Melissa N. Chan has concurred in this filing.

/s/ Victoria Maroulis