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 LTD., SAMSUNG ELECTRONICS AMERICA,  
 14 INC. and SAMSUNG  
 TELECOMMUNICATIONS AMERICA, LLC  
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16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
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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 JOBY MARTIN IN  
 SUPPORT OF SEALING APPLE'S  
 MOTION FOR PARTIAL SUMMARY  
 JUDGMENT AND EXHIBITS 24 AND 46 –  
 48 TO THE MUELLER DECLARATION  
 IN SUPPORT THEREOF, PURSUANT TO  
 LOCAL RULE 79-5(d)**

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 Joby Martin in support of Apple’s Administrative  
4 Motion to File Documents Under Seal (Dkt. No. 660), and to establish that the following are  
5 sealable:

- 6 • Confidential Portions of Apple’s Notice of Motion and Motion for Partial Summary  
7 Judgment (“Motion for Partial Summary Judgment”); and
- 8 • Exhibits 24 and 46 – 48 to the Declaration of Joseph J. Mueller in Support of Apple’s  
9 Motion for Partial Summary Judgment (“Mueller Declaration”).

10 **DECLARATION OF JOBY MARTIN**

11 I, Joby Martin, 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  
14 Documents Under Seal (Dkt. No. 660). I have personal knowledge of the facts set forth in this  
15 Declaration and, if called as a witness, could and would competently testify to them.

16 2. Exhibit 24 to the Mueller Declaration consists of excerpts from the deposition  
17 transcription of Dr. Hyeon-Woo Lee, a Samsung witness and the inventor of the ‘604 Patent. This  
18 document contains confidential business information concerning Dr. Lee’s work leading to the  
19 patent-in-suit, Samsung’s internal organization and structure in handling patent applications, the  
20 relationship between proprietary Samsung technology and 3GPP specifications, as well as  
21 Samsung’s internal policies and practices relating to its participation in standards bodies. This  
22 document has been designated as HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY  
23 and would cause substantial competitive harm to Samsung if not filed under seal.

24 3. Exhibit 46 to the Mueller Declaration is a true and correct copy of the Patent Cross  
25 License Agreement Between Samsung Electronics Co., Ltd., and Intel Corporation, with an  
26 effective date of January 1, 1993. This document contains confidential business information  
27 concerning internal valuations of intellectual property belonging to Samsung and Intel,  
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1 specifications of numerous Samsung and Intel technologies, and the parties' business practices  
2 with respect to licensed products. This agreement is subject to a non-disclosure provision  
3 whereby both parties agree to keep the terms of the agreement confidential. Accordingly, this  
4 document has been designated as **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY**  
5 and would cause substantial harm to Samsung and to third party Intel Corporation if not filed  
6 under seal.

7           4.       Exhibit 47 to the Mueller Declaration is a true and correct copy of Amendment  
8 Number 1 to the Patent Cross License Agreement Between Samsung Electronics Co., Ltd., and  
9 Intel Corporation Having an Effective Date of January 1, 1993, with an Amendment Date of  
10 March 18, 2003. As with the underlying license agreement, this amendment contains confidential  
11 business information, including information about Samsung's policies relating to taxes, as well as  
12 its financial and accounting systems. The amendment is subject to a non-disclosure provision  
13 whereby both parties agree to keep the terms of the amended agreement confidential.  
14 Accordingly, this document has been designated as **HIGHLY CONFIDENTIAL —**  
15 **ATTORNEYS' EYES ONLY** and would cause substantial harm to Samsung and third party Intel  
16 Corporation if not filed under seal.

17           5.       Exhibit 48 to the Mueller Declaration is a true and correct copy of Amendment  
18 Number 2 to the Patent Cross License Agreement Between Samsung Electronics Co., Ltd., and  
19 Intel Corporation Having an Effective Date of January 1, 1993, with an Effective Date of July 1,  
20 2004. As with the underlying license agreement and amended agreement, this amendment  
21 contains confidential business information, including information concerning the configuration of  
22 Samsung Intel products and internal valuations of intellectual property belonging to Samsung and  
23 Intel. The amendment is subject to a non-disclosure provision whereby both parties agree to keep  
24 the terms of the amended agreement confidential. Accordingly, this document has been  
25 designated as **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY** and would cause  
26 substantial harm to Samsung and third party Intel Corporation if not filed under seal.

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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 Joby Martin has concurred in this filing.

/s/ Victoria Maroulis