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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 MELISSA N. CHAN  
 IN SUPPORT OF SEALING APPLE'S  
 MOTION FOR RULE 37(B)(2)  
 SANCTIONS; THE DECLARATION OF  
 MINN CHUNG AND EXHIBITS A-S, U,  
 W, X AND BB; AND PROPOSED ORDER,  
 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 Melissa N. Chan in support of Apple’s  
4 Administrative Motion to Seal Apple’s Motion for Rule 37(b)(2) Sanctions (Dkt. No. 715), to  
5 establish that the following are sealable:

- 6 • Confidential Portions of Apple’s Motion for Rule 37(b)(2) Sanctions for Samsung’s  
7 Violation of Two Discovery Orders (“Motion for Sanctions”);
- 8 • Confidential Portions of the Declaration of Minn Chung in Support of Apple’s Motion  
9 for Sanctions (“Chung Declaration”);
- 10 • Exhibits A-S, U, W, X and BB to the Chung Declaration; and
- 11 • Proposed Order Granting Apple Inc.’s Motion For Rule 37(B)(2) Sanctions For  
12 Samsung’s Violation Of Two Discovery Orders.

13 **DECLARATION OF MELISSA N. CHAN**

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

15 1. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP, counsel for  
16 Samsung. I submit this Declaration in support of Apple’s Administrative Motion to Seal Apple’s  
17 Motion for Sanctions (Dkt. No. 715). I have personal knowledge of the facts set forth in this  
18 Declaration and, if called as a witness, could and would competently testify to them.

19 2. Exhibit A to the Chung Declaration consists of Samsung’s Response and  
20 Objections to Apple’s Interrogatories to Defendants Relating to Apple’s Motion for a Preliminary  
21 Injunction (No. 1). This document contains confidential business information about Samsung’s  
22 development and design of Samsung products, Samsung’s custodians and Samsung’s business  
23 organization, and was designated CONFIDENTIAL under the protective order; the version  
24 attached to the Chung Declaration was replaced by a version with the proper confidentiality  
25 designation. This document contains sensitive business information that could be used to  
26 Samsung’s detriment if not filed under seal.

27 3. Exhibit B to the Chung Declaration consists of Samsung’s Response and  
28 Objections to Apple’s Interrogatories to Defendants Relating to Apple’s Motion for a Preliminary

1 Injunction – Set Two (Nos. 10-14). This document contains confidential business information  
2 about Samsung’s custodians and business organization, and was designated CONFIDENTIAL  
3 under the protective order; the version attached to the Chung Declaration was replaced by a  
4 version with the proper confidentiality designation. This document contains sensitive business  
5 information that could be used to Samsung’s detriment if not filed under seal.

6 4. Exhibit C to the Chung Declaration consists of a chart representing Samsung’s  
7 Production of Documents from Custodial Files of Samsung Designers as of 1/24/2010. This  
8 document contains confidential business information about Samsung’s custodians and business  
9 organization, as well as the content of Samsung’s documents. This document contains  
10 confidential and sensitive business information that could be used to Samsung’s detriment if not  
11 filed under seal.

12 5. Exhibit D to the Chung Declaration consists of a Korean-language Samsung  
13 document and what Apple has certified to be the accurate English translation of the document.  
14 This document contains confidential business information about Samsung’s development and  
15 design of Samsung products, Samsung’s custodians and Samsung’s business organization, and has  
16 been designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document  
17 contains sensitive business information that could be used to Samsung’s detriment if not filed  
18 under seal.

19 6. Exhibit E to the Chung Declaration consists of a Korean-language Samsung  
20 document and what Apple has certified to be the accurate English translation of the document.  
21 This document contains confidential business information about Samsung’s development and  
22 design of Samsung products, Samsung’s custodians and Samsung’s business organization, and has  
23 been designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document  
24 contains sensitive business information that could be used to Samsung’s detriment if not filed  
25 under seal.

26 7. Exhibit F to the Chung Declaration consists of a Samsung document that contains  
27 confidential business information about Samsung’s development and design of Samsung products  
28 and comparative analysis and research of the competitive market, and has been designated

1 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document contains sensitive  
2 business information that could be used to Samsung’s detriment if not filed under seal.

3 8. Exhibit G to the Chung Declaration consists of a Korean-language email and what  
4 Apple has certified to be the accurate English translation of the email. This document contains  
5 confidential business information about Samsung’s development and design of Samsung products  
6 and comparative analysis and research of the competitive market, and has been designated

7 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document contains sensitive  
8 business information that could be used to Samsung’s detriment if not filed under seal.

9 9. Exhibit H to the Chung Declaration consists of a Korean-language email and what  
10 Apple has certified to be the accurate English translation of the email. This document contains  
11 confidential business information about Samsung’s development and design of Samsung products  
12 and comparative analysis and research of the competitive market, and has been designated

13 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document contains sensitive  
14 business information that could be used to Samsung’s detriment if not filed under seal.

15 10. Exhibit I to the Chung Declaration consists of a Korean-language email and what  
16 Apple has certified to be the accurate English translation of the email. This document contains  
17 confidential business information about Samsung’s development and design of Samsung products  
18 and comparative analysis and research of the competitive market, and has been designated

19 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document contains sensitive  
20 business information that could be used to Samsung’s detriment if not filed under seal.

21 11. Exhibit J to the Chung Declaration consists of a Korean-language Samsung  
22 document and what Apple has certified to be the accurate English translation of the document.  
23 This document contains confidential business information about Samsung’s development and  
24 design of Samsung products, comparative analysis of the competitive market and confidential  
25 consumer research conducted by Samsung, and has been designated HIGHLY CONFIDENTIAL  
26 – ATTORNEYS’ EYES ONLY. This document contains sensitive business information that  
27 could be used to Samsung’s detriment if not filed under seal.

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1           12.     Exhibit K to the Chung Declaration consists of a Samsung document that contains  
2 confidential business information about Samsung’s development and design of Samsung products,  
3 comparative analysis of the competitive market and confidential consumer research conducted by  
4 Samsung, and has been designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.  
5 This document contains sensitive business information that could be used to Samsung’s detriment  
6 if not filed under seal.

7           13.     Exhibit L to the Chung Declaration consists of a Korean-language Samsung  
8 document and what Apple has certified to be the accurate English translation of the document.  
9 This document contains confidential business information about Samsung’s development and  
10 design of Samsung products, comparative analysis of the competitive market and confidential  
11 consumer research conducted by Samsung, and has been designated HIGHLY CONFIDENTIAL  
12 – ATTORNEYS’ EYES ONLY. This document contains sensitive business information that  
13 could be used to Samsung’s detriment if not filed under seal.

14           14.     Exhibit M to the Chung Declaration consists of a letter sent from counsel for Apple  
15 to counsel for Samsung discussing the procedures and custodians for document searches related to  
16 the litigation. This document contains confidential business information about Samsung’s  
17 custodians and business organization, and information relating to Samsung’s documents that have  
18 been designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document  
19 contains sensitive business information that could be used to Samsung’s detriment if not filed  
20 under seal.

21           15.     Exhibit N to the Chung Declaration consists of a chart entitled, “Surveys from  
22 Samsung Survey Custodians Mentioning Apple or Apple Products.” This document contains  
23 confidential business information about Samsung’s custodians and business organization, as well  
24 as the content of Samsung’s documents. This document contains confidential and sensitive  
25 business information that could be used to Samsung’s detriment if not filed under seal.

26           16.     Exhibit O to the Chung Declaration consists of a Samsung document that contains  
27 confidential business information about Samsung’s development and design of Samsung products,  
28 comparative analysis of the competitive market and confidential consumer research conducted by

1 Samsung, and has been designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.  
2 This document contains sensitive business information that could be used to Samsung’s detriment  
3 if not filed under seal.

4 17. Exhibit P to the Chung Declaration consists of a Samsung document that contains  
5 confidential business information about Samsung’s development and design of Samsung products,  
6 comparative analysis of the competitive market and confidential consumer research conducted by  
7 Samsung, and has been designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.  
8 This document contains sensitive business information that could be used to Samsung’s detriment  
9 if not filed under seal.

10 18. Exhibit Q to the Chung Declaration consists of a Samsung document that contains  
11 confidential business information about Samsung’s development and design of Samsung products,  
12 comparative analysis of the competitive market and confidential consumer research conducted by  
13 Samsung, and has been designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.  
14 This document contains sensitive business information that could be used to Samsung’s detriment  
15 if not filed under seal.

16 19. Exhibit R to the Chung Declaration consists of a document entitled “Apple v.  
17 Samsung – Description of Designer Custodian Documents.” This document contains confidential  
18 business information about Samsung’s custodians and business organization, and otherwise  
19 describes Samsung documents that have been designated HIGHLY CONFIDENTIAL –  
20 ATTORNEYS’ EYES ONLY. This document contains sensitive business information that could  
21 be used to Samsung’s detriment if not filed under seal.

22 20. Exhibit S to the Chung Declaration consists of a document entitled “Apple v.  
23 Samsung – Description of Survey Documents.” This document contains confidential business  
24 information about Samsung’s custodians and business organization, and otherwise describes  
25 Samsung documents that have been designated HIGHLY CONFIDENTIAL – ATTORNEYS’  
26 EYES ONLY. This document contains sensitive business information that could be used to  
27 Samsung’s detriment if not filed under seal.

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1           21.     Exhibit U to the Chung Declaration consists of Samsung’s Amended Identification  
2 of Custodians, Litigation Hold Notices and Search Terms. This document contains confidential  
3 business information about Samsung’s development and design of Samsung products, Samsung’s  
4 custodians and Samsung’s business organization, and has been designated HIGHLY  
5 CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document contains sensitive business  
6 information that could be used to Samsung’s detriment if not filed under seal.

7           22.     Exhibit W to the Chung Declaration consists of a letter sent from counsel for Apple  
8 to counsel for Samsung discussing the procedures and custodians for document searches related to  
9 the litigation. This document contains confidential business information about Samsung’s  
10 custodians and business organization, and otherwise describes Samsung documents that have been  
11 designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. This document contains  
12 sensitive business information that could be used to Samsung’s detriment if not filed under seal.

13           23.     Exhibit X to the Chung Declaration consists of a letter sent from counsel for  
14 Samsung to counsel for Apple discussing the procedures and custodians for document searches  
15 related to the litigation. This document contains confidential business information about  
16 Samsung’s custodians and business organization, which could be used to Samsung’s detriment if  
17 not filed under seal.

18           24.     Exhibit BB to the Chung Declaration consists of excerpts from the deposition  
19 transcript of Justin Denison, a Samsung witness. This deposition contains confidential business  
20 information regarding the design of Samsung’s products and has been designated as HIGHLY  
21 CONFIDENTIAL — ATTORNEYS’ EYES ONLY. This document contains sensitive business  
22 information that could be used to Samsung’s detriment if not filed under seal.

23           25.     The confidential Chung Declaration summarizes, describes and/or directly cites to  
24 the confidential exhibits discussed in paragraphs 2 through 24 above. Therefore, the declaration  
25 should remain under seal for the same reasons articulated above.

26           26.     Apple’s Motion for Sanctions summarizes, describes and/or directly cites to the  
27 confidential Chung Declaration and the confidential exhibits discussed in paragraphs 2 through 24  
28 above. Therefore, the motion should remain under seal for the same reasons articulated above.

1           27.     The confidential portions of the Proposed Order describe and/or directly cite to  
2 some of the confidential material discussed in paragraphs 2 through 24 above. Therefore, the  
3 proposed order should remain under seal for the same reasons articulated above.

4           28.     The requested relief is necessary and narrowly tailored to protect this confidential  
5 information. The exhibits described above do not contain significant relevant, non-confidential  
6 material.

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

9           Executed this 16<sup>th</sup> day of February, 2012, in Palo Alto, CA.

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*/s/ Melissa N. Chan*

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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