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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.
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CASE NO. 11-cv-01846-LHK

**DECLARATION OF MELISSA CHAN IN
 SUPPORT OF SAMSUNG'S
 ADMINISTRATIVE MOTION TO FILE
 DOCUMENTS UNDER SEAL**

1 I, Melissa Chan, declare:

2 1. I am an associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd. (“SEC”), Samsung Electronics America, Inc. (“SEA”)
4 and Samsung Telecommunications America, LLC (“STA”) (collectively, “Samsung”). Unless
5 otherwise indicated, I have personal knowledge of the facts set forth in this declaration and, if
6 called upon as a witness, I could and would testify as follows.

7 2. The requested relief is necessary to protect the confidentiality of information
8 discussed in Samsung’s Opposition To Apple’s Motion For Rule 37(B)(2) Sanctions For
9 Samsung's Violation Of Two Discovery Orders (“Samsung’s Opposition to Apple’s Motion for
10 Sanctions”); Exhibits A, C-F, H-N to the Declaration of Sara Jenkins (“Jenkins Declaration”)
11 submitted in support thereof; the confidential unredacted version of the Jenkins Declaration; and
12 the Declaration of Hankil Kang. These documents contain information and quotations from
13 depositions or documents that either Samsung or Apple has designated as HIGHLY
14 CONFIDENTIAL – ATTORNEYS’ EYES ONLY under the protective order.

15 3. Exhibits A and D of the Jenkins Declaration are letters from Apple’s counsel to
16 Samsung’s counsel. These letters disclose information regarding Apple’s internal documents.
17 Samsung expects that Apple will file a declaration under Rule 79-5(d) to support the
18 confidentiality of these letters.

19 4. Exhibit C of the Jenkins Declaration is Samsung’s First Amended And
20 Supplemental Identification of Custodians, Litigation Hold Notices and Search Terms which
21 contains information regarding Samsung’s confidential business operations, management and
22 internal files, including information about Samsung’s employees and their files. Samsung has
23 designated this document as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY under
24 the protective order.

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1 5. Exhibits E and F of the Jenkins Declaration are letters from Apple’s counsel to
2 Samsung’s counsel. These letters disclose information regarding Samsung’s internal documents
3 and contain commercially sensitive business information, including confidential information
4 relating to Samsung’s internal business operations. This information is confidential and
5 proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed
6 under seal.

7 6. Exhibits H, J, K, L, M, and N of the Jenkins Declaration are documents produced
8 by Apple that Apple has designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY
9 under the protective order. Samsung expects that Apple will file a declaration under Rule 79-
10 5(d) to support the confidentiality of these letters.

11 7. Exhibit I of the Jenkins Declaration is an excerpt of the deposition testimony of
12 Christopher Stringer which Apple has designated as HIGHLY CONFIDENTIAL –
13 ATTORNEYS’ EYES ONLY under the protective order. Samsung expects that Apple will file a
14 declaration under Rule 79-5(d) to support the confidentiality of these letters.

15 8. The Jenkins Declaration summarizes and describes the contents of Exhibits A, C-F,
16 H-N, which contain Samsung’s confidential information as discussed in the paragraphs above.
17 The declaration therefore contains highly confidential and commercially sensitive business
18 information for the same reasons as discussed above. The declaration also describes in detail the
19 confidential documents that have been produced by Apple and Samsung in this litigation. The
20 description of the content and nature of Samsung’s confidential documents is confidential and
21 proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed
22 under seal.

23 9. The unredacted version of Samsung’s Opposition to Apple’s Motion for Sanctions
24 summarizes and describes the contents of the exhibits and declaration described above, which
25 contain Samsung’s and Apple’s confidential information as discussed in the paragraphs above.
26 The unredacted opposition brief therefore contains highly confidential and commercially sensitive
27 business information for the same reasons as discussed above. This information is confidential
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1 and proprietary to Samsung, and could be used to its disadvantage by competitors if it were not
2 filed under seal.

3 10. The Declaration of Hankil Kang describes Samsung's confidential business
4 operations, including its internal files and computers. The document contains commercially
5 sensitive business information that could be used to Samsung's disadvantage by competitors and
6 could create security risks if it were not filed under seal.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed in
8 Redwood Shores, California on February 24, 2012.

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10 /s/ Melissa 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 Chan has concurred in this filing.

/s/ Victoria Maroulis