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20 LTD., SAMSUNG ELECTRONICS AMERICA,
21 INC. and SAMSUNG
22 TELECOMMUNICATIONS AMERICA, LLC

23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

25 APPLE INC., a California corporation,

26 Plaintiff,

27 vs.

28 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Defendant.

CASE NO. 11-cv-01846-LHK (PSG)

**DECLARATION OF MELISSA CHAN IN
SUPPORT OF APPLE'S
ADMINISTRATIVE MOTIONS TO FILE
DOCUMENTS UNDER SEAL**

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 Motions to File Documents Under Seal (Dkt. Nos. 736 and 737), to establish that
5 the following are sealable:

- 6 • Confidential Portions of Apple’s Apple’s Motion to Compel Depositions of 14 of
7 Samsung’s Purported Apex Witnesses (Dkt. 736-2) (“Apple’s Motion”);
- 8 • Confidential Portions of the Declaration of Mia Mazza in Support of Apple’s Motion
9 (Dkt. 736-3) (“Mazza Declaration”);
- 10 • Confidential Portions of the Declaration of S. Calvin Walden in Support of Apple’s
11 Motion (Dkt. 737-2) (“Walden Declaration”);
- 12 • Exhibit 1-14 and 17-55 to the Mazza Declaration;
- 13 • Exhibits 2-10 and 21-25 to the Walden Declaration.

14 These documents contain highly confidential and commercially sensitive business
15 information, including confidential information about Samsung’s business structure and the duties
16 of its executives.

17 **DECLARATION OF MELISSA N. CHAN**

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

19 1. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP, counsel for
20 Samsung. I submit this Declaration in support of Apple’s Administrative Motions to File
21 Documents Under Seal (Dkt. Nos. 736, 737). I have personal knowledge of the facts set forth in
22 this Declaration and, if called as a witness, could and would competently testify to them.

23
24 **Exhibits to the Declaration of Mia Mazza**

25 2. Exhibits 1-4 to the Mazza Declaration are deposition notices from Apple directed
26 to Samsung’s executives and correspondence relating to the nature of the knowledge that several
27 of these executives possess regarding the issues in this lawsuit. These documents contain
28 confidential business information about Samsung’s personnel that could be used to Samsung's

1 detriment if not filed under seal.

2 3. Exhibits 5-7 to the Mazza Declaration are letters between Apple’s counsel and
3 Samsung’s counsel. They discuss numerous internal Samsung documents that contain information
4 about the design and development of the accused Samsung products, as well as Samsung’s internal
5 business structure, practice, and governance. These documents have been designated as HIGHLY
6 CONFIDENTIAL — ATTORNEYS’ EYES ONLY, and contain confidential business
7 information about Samsung’s personnel that could be used to Samsung's detriment if not filed
8 under seal.

9 4. Exhibits 8-9, 11-12, 14, 17-18, 20-22, 29-41, and 43 are internal Samsung emails in
10 English and/or in Korean (with what appear to be certified translations) discussing confidential
11 business information including strategies relating to the design and development of Samsung’s
12 products. These documents have been designated as HIGHLY CONFIDENTIAL —
13 ATTORNEYS’ EYES ONLY, and contain confidential business information about Samsung’s
14 business that could be used to Samsung's detriment if not filed under seal.

15 5. Exhibits 10, 13, 19, 23-28, and 42 are presentations, competitive analyses,
16 spreadsheets, and memoranda, in English or in Korean (with what appear to be certified English
17 translations), discussing confidential business information including strategies relating to the
18 design and development of Samsung’s products. These documents have been designated as
19 HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY, and contain confidential business
20 information about Samsung’s business that could be used to Samsung's detriment if not filed under
21 seal.

22 6. Exhibit 44 is a pricing agreement to which Samsung is a party, and details
23 agreement terms relating to Samsung’s confidential financial information. This document has been
24 designated as HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY, and contain
25 confidential business information about Samsung’s business that could be used to Samsung's
26 detriment if not filed under seal.

27 7. Exhibit 45 is an excerpt from the deposition of JinSoo Kim. Mr. Kim’s testimony
28 discusses the design and development of Samsung products, the internal structure and

1 management of the Samsung entities, and Samsung's confidential business documents. This
2 information could be used to Samsung's detriment if not filed under seal, and Samsung has
3 accordingly designated this transcript as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES
4 ONLY.

5 8. Exhibit 46 is an excerpt from the deposition of Omar Sharif Khan. Mr. Khan's
6 testimony discusses the design and development of Samsung products, the internal structure and
7 management of the Samsung entities, and Samsung's confidential business documents. This
8 information could be used to Samsung's detriment if not filed under seal, and Samsung has
9 accordingly designated this transcript as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES
10 ONLY.

11 9. Exhibit 47 is an excerpt from the deposition of Jeeyun Wang. Ms. Wang's
12 testimony discusses the design and development of Samsung products, the internal structure and
13 management of the Samsung entities, and Samsung's confidential business documents. This
14 information could be used to Samsung's detriment if not filed under seal, and Samsung has
15 accordingly designated this transcript as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES
16 ONLY.

17 10. Exhibit 48 is an excerpt from the deposition of Nara Cho. Mr. Cho's testimony
18 discusses the design and development of Samsung products, the internal structure and
19 management of the Samsung entities, and Samsung's confidential business documents. This
20 information could be used to Samsung's detriment if not filed under seal, and Samsung has
21 accordingly designated this transcript as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES
22 ONLY.

23 11. Exhibit 49 is an excerpt from the deposition of Justin Denison. Mr. Denison's
24 testimony discusses the design and development of Samsung products, Samsung's competitive
25 research, the internal structure and management of the Samsung entities, and Samsung's
26 confidential business documents. This information could be used to Samsung's detriment if not
27 filed under seal, and Samsung has accordingly designated this transcript as HIGHLY
28 CONFIDENTIAL — ATTORNEYS' EYES ONLY.

1 12. Exhibit 50 is an excerpt from the deposition of Timothy Sheppard. Mr. Sheppard's
2 testimony discusses the design and development of Samsung products, Samsung's financial
3 documents and records, the internal structure and management of the Samsung entities, and
4 Samsung's confidential business documents. This information could be used to Samsung's
5 detriment if not filed under seal, and Samsung has accordingly designated this transcript as
6 **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.**

7 13. Exhibit 51 is an excerpt from the deposition of Jungmin Yeo. Ms. Yeo's testimony
8 discusses the design and development of the accused Samsung products, the internal structure and
9 management of the Samsung entities, and Samsung's confidential business documents. This
10 information could be used to Samsung's detriment if not filed under seal, and Samsung has
11 accordingly designated this transcript as **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES**
12 **ONLY.**

13 14. Exhibit 52 is an excerpt from the deposition of AhYoung Kim. Ms. Kim's
14 testimony discusses the design and development of Samsung products, the internal structure and
15 management of the Samsung entities, and Samsung's confidential business documents. This
16 information could be used to Samsung's detriment if not filed under seal, and Samsung has
17 accordingly designated this transcript as **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES**
18 **ONLY.**

19 15. Exhibit 53 is an excerpt from the deposition of Qi Ling. Mr. Ling's testimony
20 discusses the design and development of Samsung products, the internal structure and
21 management of the Samsung entities, and Samsung's confidential business documents. This
22 information could be used to Samsung's detriment if not filed under seal, and Samsung has
23 accordingly designated this transcript as **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES**
24 **ONLY.**

25 16. Exhibit 54 is an excerpt from the deposition of Brian Rosenberg. Mr. Rosenberg's
26 testimony discusses the design and development of Samsung products, Samsung's financial
27 strategies, the internal structure and management of the Samsung entities, and Samsung's
28 confidential business documents. This information could be used to Samsung's detriment if not

1 filed under seal, and Samsung has accordingly designated this transcript as HIGHLY
2 CONFIDENTIAL — ATTORNEYS’ EYES ONLY.

3 17. Exhibit 55 is an excerpt from the deposition of Hangil Song. Mr. Song’s testimony
4 discusses the design and development of Samsung products, the internal structure and
5 management of the Samsung entities, and Samsung’s confidential business documents. This
6 information could be used to Samsung’s detriment if not filed under seal, and Samsung has
7 accordingly designated this transcript as HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES
8 ONLY.

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

12 **Exhibits to the Declaration of S. Calvin Walden**

13 19. Exhibit 2 to the Walden Declaration is an excerpt from the deposition of Seongwoo
14 Kim. Mr. Kim’s testimony discusses the confidential internal structure and management of the
15 Samsung entities. This information could be used to Samsung’s detriment if not filed under seal,
16 and Samsung has accordingly designated this transcript as HIGHLY CONFIDENTIAL —
17 ATTORNEYS’ EYES ONLY.

18 20. Exhibit 3 to the Walden Declaration is an excerpt from the deposition of Juho Lee.
19 Mr. Lee’s testimony discusses the confidential internal structure and management of the Samsung
20 entities. This information could be used to Samsung’s detriment if not filed under seal, and
21 Samsung has accordingly designated this transcript as HIGHLY CONFIDENTIAL —
22 ATTORNEYS’ EYES ONLY.

23 21. Exhibit 4 to the Walden Declaration is an excerpt from the deposition of Young-
24 Bum Kim. Mr. Kim’s testimony discusses the confidential internal structure and management of
25 the Samsung entities. This information could be used to Samsung’s detriment if not filed under
26 seal, and Samsung has accordingly designated this transcript as HIGHLY CONFIDENTIAL —
27 ATTORNEYS’ EYES ONLY.

28 22. Exhibit 5 to the Walden Declaration is an excerpt from the deposition of Jae-Seung

1 Yoon. Mr. Yoon's testimony discusses the confidential internal structure and management of the
2 Samsung entities. This information could be used to Samsung's detriment if not filed under seal,
3 and Samsung has accordingly designated this transcript as **HIGHLY CONFIDENTIAL —**
4 **ATTORNEYS' EYES ONLY.**

5 23. Exhibit 6 to the Walden Declaration is an excerpt from the deposition of Hyeon-
6 Woo Lee. Mr. Lee's testimony discusses the confidential internal structure and management of the
7 Samsung entities. This information could be used to Samsung's detriment if not filed under seal,
8 and Samsung has accordingly designated this transcript as **HIGHLY CONFIDENTIAL —**
9 **ATTORNEYS' EYES ONLY.**

10 24. Exhibits 7-10 are emails between employees of Apple and employees of Samsung.
11 They discuss confidential licensing proposals. These documents have been designated as
12 **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY**, and contain confidential business
13 information that could be used to Samsung's detriment if not filed under seal.

14 25. Exhibit 21 to the Walden Declaration is an excerpt from the deposition of Soeng
15 Hun Kim. Mr. Kim's testimony discusses the confidential internal structure and management of
16 the Samsung entities and Samsung's confidential business documents. This information could be
17 used to Samsung's detriment if not filed under seal, and Samsung has accordingly designated this
18 transcript as **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.**

19 26. Exhibit 22 to the Walden Declaration is an internal Samsung email that has been
20 designated **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY** and could be used to
21 Samsung's detriment if not filed under seal.

22 27. Exhibit 23 to the Walden Declaration is a summary of a confidential licensing
23 meeting involving Samsung and a third party. It contains confidential information regarding
24 licensing negotiations between Samsung and a third party. This information could be used to
25 Samsung's detriment if not filed under seal, and Samsung has accordingly designated this
26 transcript as **HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY.**

27 28. Exhibit 24 is correspondence from a third party discussing essential IPR and patent
28 portfolios. It contains confidential information regarding business discussions between Samsung

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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