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21 Attorneys for SAMSUNG ELECTRONICS CO.,
22 LTD., SAMSUNG ELECTRONICS AMERICA,
23 INC. and SAMSUNG
24 TELECOMMUNICATIONS AMERICA, LLC

25 UNITED STATES DISTRICT COURT

26 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

27 APPLE INC., a California corporation,

28 Plaintiff,

vs.

29 SAMSUNG ELECTRONICS CO., LTD., a
30 Korean business entity; SAMSUNG
31 ELECTRONICS AMERICA, INC., a New
32 York corporation; SAMSUNG
33 TELECOMMUNICATIONS AMERICA,
34 LLC, a Delaware limited liability company,

35 Defendant.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF JOBY MARTIN IN
SUPPORT OF APPLE'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

02198.51855/4662590.1

1 Pursuant to Civil L.R. 79-5(d), Defendants Samsung Electronics Co., Ltd. ("SEC"),
2 Samsung Electronics America, Inc. ("SEA"), and Samsung Telecommunications America, LLC
3 ("STA") (collectively, "Samsung") submit the appended declaration of Joby Martin in support of
4 Apple's Administrative Motion to File Documents Under Seal (Dkt. No. 759), to establish that the
5 following are sealable:

- 6 • The confidential, unredacted version of Apple's Rule 37(b)(2) Motion re Samsung's
7 Violation of January 27, 2012 Damages Discovery Order ("Apple's Rule 37(b)(2)
8 Motion");
- 9 • The confidential, unredacted version of the Declaration of Erik Olson In Support of
10 Apple's Rule 37(b)(2) Motion ("Olson Declaration");
- 11 • The confidential, unredacted version of the Declaration of Eric Roberts In Support of
12 Apple's Rule 37(b)(2) Motion ("Roberts Declaration");
- 13 • Exhibits 6, 9, 10 and 15 –19 to the Olson Declaration; and
- 14 • Exhibits A–F to the Roberts Declaration.

15 **DECLARATION OF JOBY MARTIN**

16 I, Joby Martin, do hereby declare as follows:

17 1. I am an associate at Quinn Emanuel Urquhart & Sullivan, LLP, counsel for
18 Samsung. I submit this Declaration in support of Apple's Administrative Motion to File
19 Documents Under Seal (Dkt. No. 759). I have personal knowledge of the facts set forth in this
20 Declaration and, if called as a witness, could and would competently testify to them.

21 2. Exhibit 6 to the Olson Declaration is a letter sent to counsel for Samsung by
22 counsel for Apple. This document contains confidential business information about Samsung's
23 financial reports, design strategy, consumer surveys, and technical documents, and has been
24 designated as HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY. This information
25 that could be used to Samsung's detriment if not filed under seal.

26 3. Exhibit 9 to the Olson Declaration consists of excerpts from the deposition
27 transcript of Tim Sheppard, a Samsung witness. This document contains sensitive information

1 about the manner in which Samsung maintains its financial records, as well as Samsung's
2 accounting practices. This information could be used to Samsung's detriment if not filed under
3 seal, and Samsung has accordingly designated Mr. Sheppard's transcript as HIGHLY
4 CONFIDENTIAL — ATTORNEYS' EYES ONLY.

5 4. Exhibit 10 to the Olson Declaration is a letter sent by Apple's counsel to Samsung's
6 counsel, discussing internal financial reports prepared by STA, SEC and SEA. This document
7 contains sensitive information about the manner in which Samsung maintains its financial records,
8 as well as Samsung's accounting practices. This information could be used to Samsung's
9 detriment if not filed under seal, and the letter has accordingly been designated as HIGHLY
10 CONFIDENTIAL — ATTORNEYS' EYES ONLY.

11 5. Exhibit 15 to the Olson Declaration is a letter sent by Apple's counsel to Samsung's
12 counsel discussing internal financial reports prepared by STA, SEC and SEA. This document
13 contains sensitive information about Samsung's finances and system of accounting, and discusses
14 the contents of documents produced by Samsung in this action that have been designated
15 HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY. This information could be used to
16 Samsung's detriment if not filed under seal.

17 6. Exhibit 16 to the Olson Declaration is a letter sent by Apple's counsel to Samsung's
18 counsel, discussing internal financial reports prepared by STA, SEC and SEA. This document
19 contains sensitive information about the manner in which Samsung maintains its financial records,
20 as well as Samsung's accounting practices. This information could be used to Samsung's
21 detriment if not filed under seal, and the letter has accordingly been designated as HIGHLY
22 CONFIDENTIAL — ATTORNEYS' EYES ONLY. This information could be used to
23 Samsung's detriment if not filed under seal.

24 7. Exhibit 17 to the Olson Declaration is a letter sent by Apple's counsel to Samsung's
25 counsel. This document contains sensitive commercial information about Samsung's sales, costs
26 of goods sold, manufacturing costs, and other financial data, as reflected in documents produced
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1 by Samsung and designated HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY. This
2 information could be used to Samsung's detriment if not filed under seal.

3 8. Exhibit 18 to the Olson Declaration is a letter sent by Apple's counsel to Samsung's
4 counsel. This document discusses the contents of sensitive financial documents produced by
5 Samsung in this litigation and designated HIGHLY CONFIDENTIAL — ATTORNEYS' EYES
6 ONLY. This information could be used to Samsung's detriment if not filed under seal.

7 9. Exhibit 19 to the Olson Declaration is Order No. 14, issued by the U.S.
8 International Trade Commission on February 14, 2012. The document is marked CONTAINS
9 CONFIDENTIAL BUSINESS INFORMATION. This document contains sensitive information
10 concerning Samsung's products, operating systems and source code. This information could be
11 used to Samsung's detriment if not filed under seal.

12 10. The confidential Olson Declaration summarizes, describes and/or directly cites to
13 the confidential exhibits discussed in paragraphs 2 through 9 above. Therefore, the Declaration
14 should remain under seal for the same reasons articulated above.

15 11. Exhibit A to the Roberts Declaration is a document produced by Samsung in this
16 litigation, beginning at Bates number SAMNDCA00323946. This document contains sensitive
17 financial information concerning Samsung's sales, expenses and profits for the accused products,
18 and has been designated HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY. This
19 information could be used to Samsung's detriment if not filed under seal.

20 12. Exhibit B to the Roberts Declaration is a document produced by Samsung in this
21 litigation, beginning at Bates number SAMNDCA00325495. This document contains sensitive
22 financial information concerning Samsung's sales, expenses and profits for the accused products,
23 and has been designated HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY. This
24 information could be used to Samsung's detriment if not filed under seal.

25 13. Exhibit C to the Roberts Declaration is a financial report produced by Samsung in
26 this litigation, beginning at Bates number SAMNDCA00322209. This document contains
27 sensitive financial information concerning assets, inventories, income, equity, and cash flows, and
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1 has been designated HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY. This
2 information could be used to Samsung's detriment if not filed under seal.

3 14. Exhibit D to the Roberts Declaration is a monthly closing report produced by
4 Samsung, beginning at Bates number S-ITC-500036295. This document contains sensitive
5 financial information concerning Samsung's sales, expenses and profits, and has been designated
6 CONFIDENTIAL BUSINESS INFORMATION — SUBJECT TO PROTECTIVE ORDER. This
7 information could be used to Samsung's detriment if not filed under seal.

8 15. Exhibit E to the Roberts Declaration is a copy of STA’s expense general ledger
9 accounts, beginning at Bates number S-ITC-500000702-726. This document contains sensitive
10 financial information concerning the budget and expenses of various divisions of STA, and has
11 been designated CONFIDENTIAL BUSINESS INFORMATION — SUBJECT TO
12 PROTECTIVE ORDER. This information could be used to Samsung's detriment if not filed under
13 seal.

14 16. Exhibit F to the Roberts Declaration is a copy of STA’s Global Consolidation
15 Packaging System report, beginning at Bates number mber S-ITC-500021629. This document
16 contains sensitive financial information concerning Samsung's assets, cash flows, securities and
17 taxes, and has been designated CONFIDENTIAL BUSINESS INFORMATION — SUBJECT
18 TO PROTECTIVE ORDER. This information could be used to Samsung's detriment if not filed
19 under seal.

20 17. The confidential Roberts Declaration summarizes, describes and/or directly cites to
21 the confidential exhibits discussed in paragraphs 11 through 16 above. Therefore, the Declaration
22 should remain under seal for the same reasons articulated above.

23 18. Apple’s Rule 37(b)(2) Motion summarizes, describes and/or directly cites to the
24 confidential Olson Declaration, the confidential Roberts Declaration, and the confidential exhibits
25 discussed in paragraphs 2 through 9 and 11 through 16 above. Therefore, the Motion should
26 remain under seal for the same reasons articulated above.

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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