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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.
 25

CASE NO. 11-cv-01846-LHK

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

1 I, Joby Martin, declare:

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

7 2. The requested relief is necessary to protect the confidentiality of information
8 contained in Samsung's Motion For Clarification Regarding the Court's May 4, 2012 Order (Dkt.
9 No. 989), as well as the supporting Declaration of Mark Tung ("Tung Declaration") and exhibits
10 thereto.

11 3. Exhibit 3 to the Tung Declaration consists of excerpts from the February 1, 2012
12 deposition transcript of Qi Ling, which is designated as HIGHLY CONFIDENTIAL —
13 ATTORNEY'S EYES ONLY. This document contains highly sensitive commercial information
14 concerning the design and development of Samsung products and technology, including source
15 code. This information is confidential and proprietary to Samsung, and could be used to its
16 disadvantage by competitors if it were not filed under seal.

17 4. Exhibit 4 to the Tung Declaration consists of excerpts from the January 12, 2012
18 deposition transcript of Woogyun Kho, which is designated as HIGHLY CONFIDENTIAL —
19 ATTORNEY'S EYES ONLY. This document contains highly sensitive commercial information
20 concerning the design and development of Samsung products and technology, including source
21 code. This information is confidential and proprietary to Samsung, and could be used to its
22 disadvantage by competitors if it were not filed under seal.

23 5. Exhibit 5 to the Tung Declaration consists of excerpts from the March 8, 2012
24 deposition transcript of Ioi Lam, which is designated as HIGHLY CONFIDENTIAL —
25 ATTORNEY'S EYES ONLY. This document contains highly sensitive commercial information
26 concerning the design and development of Samsung products and technology, including source
27

1 code. This information is confidential and proprietary to Samsung, and could be used to its
2 disadvantage by competitors if it were not filed under seal.

3 6. Exhibit 6 to the Tung Declaration consists of excerpts from the January 27, 2012
4 deposition transcript of Jaegwan Shin, which is designated as HIGHLY CONFIDENTIAL —
5 ATTORNEY'S EYES ONLY. This document contains highly sensitive commercial information
6 concerning the design and development of Samsung products and technology, including source
7 code. This information is confidential and proprietary to Samsung, and could be used to its
8 disadvantage by competitors if it were not filed under seal.

9 7. Exhibit 7 to the Tung Declaration consists of excerpts from the January 27, 2012
10 deposition transcript of Jaegwan Shin, which is designated as HIGHLY CONFIDENTIAL —
11 ATTORNEY'S EYES ONLY. This document contains highly sensitive commercial information
12 concerning the design and development of Samsung products and technology, including source
13 code. This information is confidential and proprietary to Samsung, disclosed to Dr. Johnson
14 under the protective order in this action, and could be used to Samsung's disadvantage by
15 competitors if it were not filed under seal.

16 8. Exhibit 8 to the Tung Declaration consists of excerpts from the May 12, 2012
17 deposition transcript of Dr. Michael Wagner, which is designated as HIGHLY CONFIDENTIAL
18 — ATTORNEY'S EYES ONLY. This document contains sensitive commercial information
19 concerning Samsung's calculation the costs associated with developing alternaives to the Apple
20 patents-in-suit. This information is confidential and proprietary to Samsung, disclosed to Dr.
21 Wagner under the protective order in this action, and could be used to Samsung's disadvantage by
22 competitors if it were not filed under seal.

23 9. Exhibit 9 to the Tung Declaration consists of excerpts from the April 20, 2012
24 deposition transcript of Apple's infringement expert, Dr. Ravin Balakrishnan, which is designated
25 as HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. This document contains
26 discussion of Samsung source code, as well as confidential business information regarding the
27

1 operation of the accused Samsung devices. This information is confidential and proprietary to
2 Samsung, and could be used to its disadvantage by competitors if it were not filed under seal.

3 10. Exhibit 10 to the Tung Declaration consists of excerpts from the August 16, 2011
4 deposition transcript of Apple's infringement expert, Dr. Ravin Balakrishnan, which is designated
5 as HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. This document contains
6 confidential business information regarding the operation of the accused Samsung devices. This
7 information is confidential and proprietary to Samsung, and could be used to its disadvantage by
8 competitors if it were not filed under seal.

9 11. Exhibit 11 to the Tung Declaration consists of excerpts from the Expert Report of
10 Ravin Balakrishnan, Ph.D. Regarding Infringement of U.S. Patent No. 7,469,381, which is
11 designated as HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. This document
12 contains references to both Apple and Samsung source code, confidential information regarding
13 the conception of Apple's patents, and excerpts of confidential deposition testimony from Apple
14 and Samsung employees regarding the asserted patents and the accused Samsung devices. This
15 information, as it relates to Samsung, is confidential and proprietary to Samsung, and could be
16 used to its disadvantage by competitors if it were not filed under seal.

17 12. Exhibit 16 to the Tung Declaration is a copy of Samsung's Supplemental
18 Objections and Responses to Apple's Seventh Set of Interrogatories (No. 16). This document
19 contains sensitive commercial information concerning Samsung's actual or contemplated efforts to
20 develop alternatives to the Apple patents-in-suit, most of which have not yet been released to the
21 public. This information is confidential and proprietary to Samsung, and could be used to its
22 disadvantage by competitors if it were not filed under seal.

23 13. Exhibit 17 to the Tung Declaration consists of excerpts from the April 26, 2012
24 deposition transcript of Apple's infringement expert, Dr. Karan Singh, which is designated as
25 HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. This document contains
26 discussion of Samsung source code, as well as confidential business information regarding the
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1 operation of the accused Samsung devices. This information is confidential and proprietary to
2 Samsung, and could be used to its disadvantage by competitors if it were not filed under seal.

3 14. Exhibit 19 to the Tung Declaration consists of excerpts from the Expert Report of
4 Karan Singh, Ph.D., Regarding Infringement of U.S. Patents Nos. 7,864,163, 7,844,915 and
5 7,853,891. This document contains references to both Apple and Samsung source code,
6 confidential information regarding the conception of Apple's patents, and excerpts of confidential
7 deposition testimony from Apple and Samsung employees regarding the asserted patents and the
8 accused Samsung devices. This information, as it relates to Samsung, is confidential and
9 proprietary to Samsung, and could be used to its disadvantage by competitors if it were not filed
10 under seal.

11

12 I declare under penalty of perjury that the foregoing is true and correct. Executed in San
13 Francisco, California on May 15, 2012.

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/s/ Joby Martin
Joby Martin

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