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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

**SAMSUNG'S ADMINISTRATIVE
 MOTION TO FILE DOCUMENTS
 UNDER SEAL**

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1 Pursuant to Civil L.R. 7-11 and 79-5, and General Order No. 62, Defendants Samsung
2 Electronics Co. Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications
3 America, LLC (collectively, "Samsung") hereby bring this administrative motion for an order to
4 seal:

- 5 1. The confidential, unredacted version of Samsung's Motion To Exclude Opinions of
6 Certain of Apple's Experts;
- 7 2. Exhibits 1 – 12, 18 -21, 23- 28, and 30 -34 to the Declaration of Joby Martin In
8 Support of Samsung's Motion To Exclude Opinions of Certain of Apple's Experts.

9 Samsung has established good cause to permit filing these documents under seal through
10 the appended Declaration of Joby Martin in Support of Samsung's Administrative Motion to File
11 Documents Under Seal. In short, the above documents discuss, refer to, or comprise
12 interrogatory objections and responses that Apple has designated as HIGHLY CONFIDENTIAL
13 — ATTORNEYS' EYES ONLY under the protective order. Samsung trusts that Apple will file
14 the necessary declaration validating these designations per Local Rule 79-5(d).

15 Pursuant to General Order No. 62, Samsung's entire filing will be lodged with the Court
16 for *in camera* review and served on all parties. A proposed redacted version of Samsung's
17 Motion for Clarification Regarding the Court's May 4, 2012 Order has been filed concurrently
18 with this motion.

19
20 DATED: May 17, 2012

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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23 By /s/ Victoria Maroulis

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Kevin P.B. Johnson

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Attorneys for SAMSUNG ELECTRONICS CO.,

LTD., SAMSUNG ELECTRONICS AMERICA,

INC., and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

1 the declaration required by Civ. L. R. 79-5(d) establishing that those portions of the report
2 containing Apple confidential information are sealable.

3 5. Exhibit 3 to the Martin Declaration is a true and correct copy of is a true and
4 correct copy the Expert Report of Terry L. Musika, CPA, which Apple has designated as
5 HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. In addition to Apple confidential
6 information, this document also contains highly sensitive information concerning Samsung's
7 financial data, including sales of the accused products and smartphones generally, Samsung's
8 costs, and profits. This information is confidential and proprietary to Samsung, and could be
9 used to its disadvantage by competitors if it were not filed under seal. Samsung trusts that Apple
10 will file the declaration required by Civ. L. R. 79-5(d) establishing that those portions of the report
11 containing Apple confidential information are sealable.

12 6. Exhibit 4 to the Martin Declaration is a true and correct copy of excerpts from a
13 document titled “iPhone Buyer Survey,” produced by Apple in this litigation and bearing Bates
14 label APLNDC0000036266. Apple has designated this document as HIGHLY
15 CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will file the
16 declaration required by Civ. L. R. 79-5(d) establishing this document as sealable.

17 7. Exhibit 5 to the Martin Declaration is a true and correct copy of the Supplemental
18 Expert Report of Terry L. Musika, CPA, which Apple has designated as HIGHLY
19 CONFIDENTIAL — ATTORNEY'S EYES ONLY. In addition to Apple confidential
20 information, this document contains highly sensitive commercial information concerning
21 Samsung's operating margin, average selling prices, operating profits, and the methods by which
22 Samsung calculates various financial metrics. This information is confidential and proprietary to
23 Samsung, and could be used to its disadvantage by competitors if it were not filed under seal.
24 Samsung trusts that Apple will file the declaration required by Civ. L. R. 79-5(d) establishing that
25 those portions of the report containing Apple confidential information are sealable.

26 8. Exhibit 6 to the Martin Declaration is a true and correct copy of Exhibit 32 to the
27 Expert Report of Terry L. Musika, CPA. Apple has designated this document as HIGHLY
28

1 CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will file the
2 declaration required by Civ. L. R. 79-5(d) establishing this document as sealable.

3 9. Exhibit 7 to the Martin Declaration is a true and correct copy of Exhibit 32S to the
4 Supplemental Expert Report of Terry L. Musika, CPA. Apple has designated this document as
5 HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will
6 file the declaration required by Civ. L. R. 79-5(d) establishing this document as sealable.

7 10. Exhibit 8 to the Martin Declaration is a true and correct copy of Apple Inc.'s
8 Corrected Amended Objections and Responses to Samsung Electronics Co., Ltd.'s Interrogatory
9 Nos. 4, 6, 7, 16, 17, and 18 to Apple Inc. Apple has designated this document as HIGHLY
10 CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will file the
11 declaration required by Civ. L. R. 79-5(d) establishing this document as sealable.

12 11. Exhibit 9 to the Martin Declaration is a true and correct copy of Samsung's
13 Supplemental Objections and Responses to Apple's Interrogatories to Defendants Relating to
14 Apple's Motion for a Preliminary Injunction – Set Two (Nos. 10-14), which Samsung has
15 designated HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. This document
16 contains sensitive commercial information concerning the design and development of the
17 Samsung accused products, software functionalities, as well as surveys and focus groups
18 conducted by Samsung. This information is confidential and proprietary to Samsung, and could
19 be used to its disadvantage by competitors if it were not filed under seal.

20 12. Exhibit 10 to the Martin Declaration is a true and correct copy of Exhibits 17-S
21 through 19-S to the Supplemental Expert Report of Terry L. Musika, CPA. Apple has designated
22 this document as HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts
23 that Apple will file the declaration required by Civ. L. R. 79-5(d) establishing this document as
24 sealable.

25 13. Exhibit 11 to the Martin Declaration is a true and correct copy the Expert Report of
26 John R. Hauser. Apple has designated this document as CONFIDENTIAL – CONTAINS
27 MATERIAL DESIGNATED AS CONFIDENTIAL –PURSUANT TO A PROTECTIVE
28

1 ORDER. Samsung trusts that Apple will file the declaration required by Civ. L. R. 79-5(d)
2 establishing this document as sealable.

3 14. Exhibit 12 to the Martin Declaration is a true and correct copy of excerpts from the
4 April 27, 2012 deposition transcript of John Hauser. Apple has designated this document as
5 HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will
6 file the declaration required by Civ. L. R. 79-5(d) establishing this document as sealable.

7 15. Exhibit 15 to the Martin Declaration is a true and correct copy of excerpts from a
8 document titled “Smartphone Market Study US,” produced by Apple in this litigation and bearing
9 Bates label APLNDC0001434059. Apple has designated this document as HIGHLY
10 CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will file the
11 declaration required by Civ. L. R. 79-5(d) establishing this document as sealable.

12 16. Exhibit 18 to the Martin Declaration consists of a chart containing descriptions of
13 the technology claimed by the Apple patents in suit. This document quotes from a number of
14 expert reports that Apple has designated CONFIDENTIAL – CONTAINS MATERIAL
15 DESIGNATED AS CONFIDENTIAL –PURSUANT TO A PROTECTIVE ORDER. Samsung
16 trusts that Apple will file the declaration required by Civ. L. R. 79-5(d) establishing this document
17 as sealable.

18 17. Exhibit 19 to the Martin Declaration consists of excerpts from the rebuttal Expert
19 Report of Peter Rossi. Apple has designated this document SUBJECT TO PROTECTIVE
20 ORDER – CONFIDENTIAL. Samsung trusts that Apple will file the declaration required by
21 Civ. L. R. 79-5(d) establishing this document as sealable.

22 18. Exhibit 20 to the Martin Declaration is a copy of the Expert Report of Henry
23 Urbach. Apple has designated this document CONFIDENTIAL – CONTAINS MATERIAL
24 DESIGNATED AS HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY PURSUANT
25 TO A PROTECTIVE ORDER. Samsung trusts that Apple will file the declaration required by
26 Civ. L. R. 79-5(d) establishing this document as sealable.

27 19. Exhibit 21 to the Martin Declaration consists of excerpts from the April 19, 2012
28 deposition transcript of Henry Urbach. Apple has designated this document as HIGHLY

1 CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will file the
2 declaration required by Civ. L. R. 79-5(d) establishing this document as sealable.

3 20. Exhibit 23 to the Martin Declaration is a copy of the Expert Report of Susan Kare.
4 Apple has designated this document as CONFIDENTIAL – CONTAINS MATERIAL
5 DESIGNATED AS HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY PURSUANT
6 TO A PROTECTIVE ORDER. In addition to Apple confidential information, this document
7 contains sensitive commercial information concerning the technical specifications of Samsung's
8 products, and numerous internal documents regarding the design and development of Samsung's
9 graphical user interface. This information is confidential and proprietary to Samsung, and could
10 be used to its disadvantage by competitors if it were not filed under seal. Samsung trusts that
11 Apple will file the declaration required by Civ. L. R. 79-5(d) establishing that those portions of the
12 report containing Apple confidential information are sealable.

13 21. Exhibit 24 to the Martin Declaration consists of excerpts from the April 27, 2012
14 deposition transcript of Susan Kare. Apple has designated this document as HIGHLY
15 CONFIDENTIAL — ATTORNEY'S EYES ONLY. Apple has designated this document as
16 HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will
17 file the declaration required by Civ. L. R. 79-5(d) establishing that those portions of the report
18 containing Apple confidential information are sealable.

19 22. Exhibit 25 to the Martin Declaration consists of excerpts from the April 27, 2012
20 deposition transcript of Russell Winer. Apple has designated this document as HIGHLY
21 CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will file the
22 declaration required by Civ. L. R. 79-5(d) establishing that those portions of the report containing
23 Apple confidential information are sealable.

24 23. Exhibit 26 to the Martin Declaration is a copy of the Expert Report of Russell S.
25 Winer. Apple has designated this document as CONFIDENTIAL – CONTAINS MATERIAL
26 DESIGNATED AS HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY PURSUANT
27 TO A PROTECTIVE ORDER. In addition to Apple confidential information, this document
28 contains sensitive commercial information concerning consumer surveys and market research

1 conducted by or on behalf of Samsung, internal documents concerning the design and
2 development of Samsung products, as well as Samsung's marketing strategies and expenditures.
3 This information is confidential and proprietary to Samsung, and could be used to its disadvantage
4 by competitors if it were not filed under seal. Samsung trusts that Apple will file the declaration
5 required by Civ. L. R. 79-5(d) establishing that those portions of the report containing Apple
6 confidential information are sealable.

7 24. Exhibit 27 to the Martin Declaration is a copy of the Expert Report of Sanjay Sood.
8 Apple has designated this document as CONFIDENTIAL – CONTAINS MATERIAL
9 DESIGNATED AS HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY PURSUANT
10 TO A PROTECTIVE ORDER.

11 25. Exhibit 28 to the Martin Declaration consists of excerpts from the April 20, 2012
12 deposition transcript of Sanjay Sood. Apple has designated this document as HIGHLY
13 CONFIDENTIAL — ATTORNEY'S EYES ONLY. Samsung trusts that Apple will file the
14 declaration required by Civ. L. R. 79-5(d) establishing that those portions of the report containing
15 Apple confidential information are sealable.

16 26. Exhibit 30 to the Martin Declaration consists of excerpts from the May 2, 2012
17 deposition transcript of Michael Walker. Apple has designated this document HIGHLY
18 CONFIDENTIAL — ATTORNEY'S EYES ONLY. This document contains sensitive
19 commercial information concerning Samsung technology as it relates to 3GPP standards,
20 Samsung's internal strategy regarding participation in 3GPP and ETSI, Samsung's patent
21 prosecution strategies, and Samsung's positions on the licensing of standards-essential patents.
22 This information is confidential and proprietary to Samsung, and could be used to its disadvantage
23 by competitors if it were not filed under seal. To the extent that this document contains Apple
24 confidential information, Samsung trusts that Apple will file the declaration required by Civ. L. R.
25 79-5(d) establishing this document as sealable.

26 27. Exhibit 31 to the Martin Declaration is a copy of the Expert Report of Michael
27 Walker Regarding Samsung’s Standard-Setting Conduct. Apple has designated this document
28 HIGHLY CONFIDENTIAL — ATTORNEY'S EYES ONLY. This document contains sensitive

1 commercial information concerning Samsung technology as it relates to 3GPP standards,
2 Samsung's internal strategy regarding participation in 3GPP and ETSI, Samsung's patent
3 prosecution strategies, and Samsung's positions on the licensing of standards-essential patents.
4 This information is confidential and proprietary to Samsung, and could be used to its disadvantage
5 by competitors if it were not filed under seal. To the extent that this document contains Apple
6 confidential information, Samsung trusts that Apple will file the declaration required by Civ. L. R.
7 79-5(d) establishing this document as sealable.

8 28. Exhibit 32 to the Martin Declaration is a copy of the Expert Report of Richard L.
9 Donaldson, Esq. Apple has designated this document CONTAINS APPLE AND SAMSUNG
10 ATTORNEYS' EYES ONLY INFORMATION. In addition to Apple confidential information,
11 this document contains sensitive commercial information concerning Samsung's agreements with
12 Intel Corporation ("Intel"), which are subject to a nondisclosure agreement, and the respective
13 business practices of Samsung and Intel. This information is confidential and proprietary to
14 Samsung, and would cause substantial harm to Samsung and its ongoing relationship with third
15 party Intel Corporation if not filed under seal. To the extent that this document contains Apple
16 confidential information, Samsung trusts that Apple will file the declaration required by Civ. L. R.
17 79-5(d) establishing this document as sealable.

18 29. Exhibit 33 to the Martin Declaration consists of a copy of the licensing agreement
19 between Samsung and Intel, produced by Samsung in the ITC 794 Investigation, bearing Bates
20 label S-794-ITC-000000040. Samsung has designated this document as This document contains
21 sensitive commercial information concerning internal valuations of intellectual property belonging
22 to Samsung and Intel, specifications of numerous Samsung and Intel technologies, and the parties'
23 business practices with respect to licensed products. This agreement is subject to a non-disclosure
24 provision whereby both parties agree to keep the terms of the agreement confidential.
25 Accordingly, Samsung has designated this document as HIGHLY CONFIDENTIAL —
26 ATTORNEY'S EYES ONLY. The information contained in this document is confidential and
27 proprietary to Samsung, and would cause substantial harm to Samsung and its ongoing
28 relationship with third party Intel if not filed under seal.

