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14 Attorneys for SAMSUNG ELECTRONICS CO.,
15 LTD., SAMSUNG ELECTRONICS AMERICA,
16 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19
20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

27 Defendant.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF BILL TRAC IN
SUPPORT OF SAMSUNG'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

1 I, Bill Trac, 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 have
5 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.

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8 2. The requested relief is necessary to protect the confidentiality of information
9 contained in Samsung's Motion for Summary Judgment and associated documents, declarations
10 and exhibits.

11 3. Exhibits 1-3, 14-18, 21, 27, 37-53, 55-61, 63-69, and 71-73, and 77-80 to the . the
12 Declaration of Brett Arnold ("Arnold Declaration") are documents or deposition transcripts that
13 Apple has designated HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY. Samsung
14 expects that Apple will file a declaration under Local Rule 79-5(d) establishing good cause to seal
15 them.

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17 4. Exhibits 74, 75 and 76 are expert reports that contain or references documents
18 designated HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY from both Apple and
19 Samsung. These documents contain confidential business information of the parties, the public
20 disclosure of which could harm the companies. Samsung will file a proposed redacted version as
21 soon as Samsung and Apple have identified all the confidential information in these reports.

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23 5. The confidential, unredacted version of the Arnold Declaration discusses and
24 references the information contained in the documents described in paragraphs 3 and 4 above, and
25 should therefore be sealed for the same reasons.

26 6. Exhibits 2 to the Declaration of Andries van Dam in Support of the Motion for
27 Summary Judgment of Invalidity of U.S. Patent No. 7,467,381 ("van Dam Declaration") is the

1 August 16, 2011 deposition transcript of Dr. Ravin Balakrishnan that Apple has designated
2 HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. Samsung expects that Apple will
3 file a declaration under Local Rule 79-5(d) establishing good cause to seal them.

4 7. Exhibits 3 and 4 to the van Dam Declaration are claim charts that discuss source
5 code for the Tablecloth/DTFlash application that is designated HIGHLY CONFIDENTIAL –
6 OUTSIDE ATTORNEYS' EYES ONLY – SOURCE CODE. These discussions must be sealed to
7 protect the confidential and proprietary source code belonging to third party Mitsubishi Electric
8 Research Laboratories.
9

10 8. The confidential, unredacted version of the van Dam declaration discusses and
11 references the information contained in the documents described in paragraphs 6-7 above, and
12 should therefore be sealed for the same reasons.
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14 9. The confidential, unredacted version of the Declaration of Clifton Forlines in
15 Support of the Motion for Summary Judgment of Invalidity of U.S. Patent No. 7,467,381
16 discusses source code for the Tablecloth/DTFlash application that is designated HIGHLY
17 CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY – SOURCE CODE. These
18 discussions must be sealed to protect the confidential and proprietary source code belonging to
19 third party Mitsubishi Electric Research Laboratories. A proposed redacted version of this
20 declaration has been filed concurrently herewith.
21

22 10. Exhibits 9, 18, and 20 to the Von Herzen Declaration are excerpts from the
23 depositions of Apple employees Brian Huppi, Joshua Strickon, and Steven Hotelling that Apple
24 has designated HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY. Samsung expects
25 that Apple will file a declaration under Local Rule 79-5(d) establishing good cause to seal them.

26 11. Exhibit 19 to the Von Herzen Declaration is an excerpt from the deposition of
27 Synaptics employee Shawn Day, and has been designated HIGHLY CONFIDENTIAL –
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1 ATTORNEYS' EYES ONLY. The excerpt discusses information confidential to third party
2 Synaptics, and sealing is necessary to protect that third-party confidentiality.

3 12. Exhibit 10 to the Von Herzen Declaration is the Expert Report of Michel Maharbiz,
4 Ph.D Regarding Validity of Claims of U.S. Patent Nos. 7,663,607 and 7,920,129. The report
5 contains information from both Apple, Samsung, and third parties that has been designated
6 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY. The report should be sealed at least
7 because it contains discusses information confidential to third party Atmel and references excerpts
8 from depositions of Apple employees that Apple has designated HIGHLY CONFIDENTIAL –
9 ATTORNEYS' EYES ONLY.

10 13. Exhibit 16 to the von Herzen Declaration is the Expert Report of Dr. Brian von
11 Herzen on the Invalidity of U.S. Patents 7,663,607 and 7,920,129. The report contains information
12 from both Apple, Samsung, and third parties that has been designated HIGHLY CONFIDENTIAL
13 – ATTORNEYS' EYES ONLY. The report should be sealed at least because it contains discusses
14 information confidential to third parties Synaptics and Atmel and references excerpts from
15 depositions of Apple employees that Apple has designated HIGHLY CONFIDENTIAL –
16 ATTORNEYS' EYES ONLY.

17 14. The confidential, unredacted version of the von Herzen Declaration discusses and
18 references the information contained in paragraphs 10-13 above, and should therefore be sealed
19 for the same reasons.

20 15. Exhibits 6 and 7 to the Gray Declaration are Vols. I and II of the deposition
21 transcript of Apple's expert, Karan Singh. These transcripts contains Apple and Samsung's
22 confidential information, such as discussions of Samsung's source code, and has been marked
23 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY. These transcripts should be sealed
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1 to protect the confidentiality of Samsung's source code. Samsung also expects Apple to file a
2 declaration under Local Rule 79-5(d) further establishing good cause for sealing these transcripts.

3 16. Exhibits 8-11 to the Gray Declaration are excerpts from the depositions of Apple
4 employees Scott Herz, Andrew Platzer, Scott Forstall, Richard Williamson, and Greg Christie, and
5 have been marked by Apple HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY.
6 Samsung expects Apple to file a declaration under Local Rule 79-5(d) establishing good cause for
7 sealing these transcripts.
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9 17. Exhibits 13-15 to the Gray Declaration are copies of the Singh Infringement
10 Report, Exhibit 17 to the Singh Infringement Report, and the Singh Rebuttal Report. These reports
11 contain discussion and references to Samsung's confidential information, including source code,
12 and have been marked HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY. They should
13 be sealed to protect the confidentiality of Samsung's source code.
14

15 18. Exhibit 17 to the Gray Declaration is a copy of source code produced by Samsung
16 in this action, and has been marked HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY –
17 SOURCE CODE. It should be sealed to protect the confidentiality of Samsung's source code.

18 19. The confidential, unredacted version of the Gray Declaration discusses and
19 references the information contained in paragraphs 15-18, and should also therefore be sealed for
20 the same reasons. A proposed redacted version of the Gray Declaration has been filed concurrently
21 herewith.
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23 20. The confidential, unredacted version of Samsung's Motion for Summary Judgment
24 discusses and references the information contained in paragraphs 3-19 above, and should also
25 therefore be sealed for the same reasons.
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I declare under penalty of perjury that the foregoing is true and correct. Executed in
Redwood Shores, California on May 17, 2012.

/s/ Bill Trac

Bill Trac

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GENERAL ORDER ATTESTATION

I, Victoria Maroulis, am the ECF user whose ID and password are being used to file the foregoing document. I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from Bill Trac.

/s/ Victoria Maroulis