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13 Attorneys for SAMSUNG ELECTRONICS CO.,

LTD., SAMSUNG ELECTRONICS AMERICA,

14 INC. and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19 APPLE INC., a California corporation,

20 Plaintiff,

21 vs.

22 SAMSUNG ELECTRONICS CO., LTD., a

Korean business entity; SAMSUNG

23 ELECTRONICS AMERICA, INC., a New

York corporation; SAMSUNG

24 TELECOMMUNICATIONS AMERICA,

LLC, a Delaware limited liability company,

25 Defendants.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF JOBY MARTIN IN
SUPPORT OF APPLE'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL,
PURSUANT TO LOCAL RULE 79-5(d)**

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 Joby Martin in support of Apple’s Administrative
4 Motion to File Documents Under Seal (Dkt. No. 940), to establish that the following are sealable:

- 5 • Confidential portions of Apple’s Motion to Exclude Testimony of Samsung’s Experts
6 (“Motion to Exclude”);
- 7 • Exhibits 3, 11, 24, and 27 to the Declaration of Jason Bartlett in Support of Apple’s
8 Motion to Exclude (“Bartlett Declaration”); and
- 9 • The Declaration of Russell S. Winer in Support of Apple’s Motion to Exclude (“Winer
10 Declaration”), and Exhibit 1 thereto.

11 **DECLARATION OF JOBY MARTIN**

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

13 1. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP, counsel for
14 Samsung. I submit this Declaration in support of Apple’s Administrative Motion to File
15 Documents Under Seal (Dkt. No. 940). I have personal knowledge of the facts set forth in this
16 Declaration and, if called as a witness, could and would competently testify to them.

17 2. Exhibit 3 to the Bartlett Declaration consists of excerpts from the April 20, 2012
18 deposition transcript of Itay Sherman. ~~These excerpts is document~~, which haves been designated
19 HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY, contains confidential information
20 regarding Samsung's design and development process and considerations that factor into that
21 process. This information is confidential and proprietary to Samsung and third parties, and could
22 be used by competitors to Samsung’s and the third parties’ competitive detriment~~their~~ if not filed
23 under seal.

24 3. Exhibit 11 to the Bartlett Declaration consists of excerpts from the May 9, 2012,
25 deposition transcript of Samuel Lucente. ~~These excerpts is document~~, which haves been
26 designated HIGHLY CONFIDENTIAL — ATTORNEYS’ EYES ONLY, contains confidential
27 information regarding the design and development of Samsung's user interface designs, contained
28

1 in reports and presentations circulated within Samsung. This information is confidential and
2 proprietary to Samsung and could be used by competitors to its detriment if not filed under seal.

3 4. Exhibit 24 to the Bartlett Declaration consists of excerpts from the February 22,
4 2012 deposition transcript of Timothy Benner. ~~These excerpts is document~~, which ~~haves~~ been
5 designated HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY, contains confidential
6 information regarding customer surveys and market research conducted by Samsung. This
7 information is confidential and proprietary to Samsung and could be used by competitors to its
8 detriment if not filed under seal.

9 5. Exhibit 27 to the Bartlett Declaration is a copy of the J.D. Power and Associates:
10 2011 Wireless Smartphone Satisfaction Study(SM) – Management Report, produced by Samsung
11 in this litigation bearing Bates label SAMNDCA10246338-445. This document, which has been
12 designated HIGHLY CONFIDENTIAL — ATTORNEYS' EYES ONLY, contains confidential
13 information regarding customer surveys and market research conducted ~~on behalf of~~ by Samsung.
14 This information is confidential and proprietary to Samsung and could be used by competitors to
15 its detriment if not filed under seal.

16 6. Exhibit 1 to the Winer Declaration consists of the results ~~offrom~~ Professor Winer's
17 purported attempt to replicate the analysis of Michael Wagner in Figures 49 and 51 of ~~Mr.the~~
18 Wagner's April 16, 2012 report. This document discusses, references or cites to confidential
19 information regarding customer surveys and market research conducted by or on behalf of
20 Samsung, as described in the Wagner Report. This information is confidential and proprietary to
21 Samsung and could be used by competitors to its detriment if not filed under seal.

22 7. The Winer Declaration contains commercially sensitive information regarding
23 customer surveys and market research conducted by or on behalf of Samsung, as described in the
24 confidential deposition and expert reports of Michael J. Wagner, Samsung's damages expert. This
25 information is confidential and proprietary to Samsung and could be used by competitors to its
26 detriment if not filed under seal.

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1 8. Apple’s Motion to Exclude -summarizes, describes and/or directly cites to the
2 confidential Winer Declaration and the confidential exhibits discussed in paragraphs 2 through 7.
3 above. Therefore, the ~~M~~otion should remain under seal for the same reasons articulated above.

4 9. The requested relief is necessary and narrowly tailored to protect this confidential
5 information.

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7 I declare under penalty of perjury that the forgoing is true and correct to the best of my
8 knowledge.

9 Executed this 24th day of May, 2012, in San Francisco, CA.

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/s/ Joby Martin
Joby Martin

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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