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15 Attorneys for SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS AMERICA,
16 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
17

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,
21

22 Plaintiff,

23 vs.

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

27 Defendants.
28

CASE NO. 11-cv-01846-LHK

**DECLARATION OF ANTHONY P.
ALDEN IN SUPPORT OF SAMSUNG'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

1 I, Anthony P. Alden, declare:

2 1. I am a partner with Quinn Emanuel Urquhart & Sullivan, LLP, counsel for
3 Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
4 Telecommunications America, LLC (collectively, “Samsung”). I have personal knowledge of the
5 facts set forth in this declaration, except as otherwise noted, and, if called as a witness, could and
6 would testify to those facts under oath.

7 2. I submit this declaration in support of Samsung’s Administrative Motion to File
8 Under Seal Exhibit 2 to the Declaration of Anthony P. Alden in Support of Samsung’s
9 Administrative Motion for Relief from April 29, 2013 Case Management Order (“Exhibit 2”).

10 3. Exhibit 2 consists of excerpts from the June 24, 2013 Expert Report of Julie L.
11 Davis, CPA. While Samsung’s in-house counsel have not had an opportunity to review Exhibit 2
12 for confidentiality because Apple has designated the entirety of the Davis Report “Confidential”
13 under the Protective Order, I understand that Samsung considers the type of product-specific profit
14 data included in Exhibit 2 to be highly confidential. A highlighted version of Exhibit 2 that
15 identifies the portions Samsung requests be sealed is attached hereto as Exhibit A.

16 4. I am informed and believe that Samsung does not report product-specific profit
17 data to investors, regulatory bodies, the press, or business analysts. This type of information is
18 highly confidential to Samsung and Samsung takes extraordinary steps to maintain the secrecy of
19 the information. Even within Samsung’s finance and accounting groups, such data can only be
20 accessed by certain personnel on a restricted, need-to-know basis. The data guide Samsung’s
21 pricing, distribution, financial planning, and other business decisions.

22 5. Samsung’s financial data was produced in this case to Apple’s outside counsel and
23 experts for the sole purpose of calculating supposed damages and were marked “Highly
24 Confidential – Attorneys’ Eyes Only” under the Protective Order. Samsung took special
25 precautions when producing detailed financial data, including restricting the distribution of soft
26 copies, copying, and inspection.

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1 6. I am informed and believe that product-specific profit data are far more sensitive
2 and confidential than company-wide financial statements because they can be used to determine
3 the lowest price at which Samsung can profitably sell its products. Armed with that information, a
4 competitor could charge a lower price in an effort to gain market share. Competitors could also
5 use knowledge of Samsung's highest- and lowest-performing product lines to target marketing and
6 advertising efforts.

7 7. I am informed and believe that suppliers could use the same information as
8 leverage to negotiate higher prices for components.

9 8. Likewise, I am informed and believe that carrier and retail partners would be able
10 to leverage knowledge of Samsung's margins to negotiate lower prices for Samsung's smart phone
11 and tablet products.

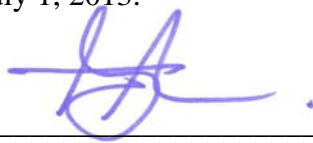
12 9. For the foregoing reasons, Samsung requests that the portions of Exhibit 2
13 identified in Exhibit A be sealed.

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15 I declare under penalty of perjury of the laws of the United States that the foregoing is true
16 and correct. Executed in Los Angeles, California on July 1, 2013.

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Anthony P. Alden

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