

1 QUINN EMANUEL URQUHART &
SULLIVAN, LLP
2 Charles K. Verhoeven (Cal. Bar No. 170151)
charlesverhoeven@quinnemanuel.com
3 50 California Street, 22nd Floor
San Francisco, California 94111
4 Telephone: (415) 875-6600
Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Cal. Bar No. 177129)
kevinjohnson@quinnemanuel.com
6 Victoria F. Maroulis (Cal. Bar No. 202603)
victoriamaroulis@quinnemanuel.com
7 555 Twin Dolphin Drive 5th Floor
8 Redwood Shores, California 94065
Telephone: (650) 801-5000
9 Facsimile: (650) 801-5100

10 Michael T. Zeller (Cal. Bar No. 196417)
michaelzeller@quinnemanuel.com
11 865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
12 Telephone: (213) 443-3000
Facsimile: (213) 443-3100

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

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

25 Defendants.

CASE NO. 11-CV-01846-LHK (PSG)

**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 a member of the State Bar of California and an associate at the law firm of
3 Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Samsung Electronics Co., Ltd., Samsung
4 Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively,
5 "Samsung"). I make this declaration of personal knowledge, and if called and sworn as a witness,
6 I could and would testify as set forth below.

7 2. Portions of Samsung’s Opposition to Apple’s Motion for Leave to File a Surreply
8 to Samsung’s Motion For New Trial Or, Alternatively, For Entry of Judgment (“Samsung’s
9 Opposition to Motion For Leave”) contain information that has been designated HIGHLY
10 CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY – SOURCE CODE by Samsung
11 under the Protective Order. In particular, Samsung’s Opposition to Motion For Leave discusses,
12 refers to, or cites the declarations of Andries van Dam, Ph.D. submitted in support of Samsung’s
13 Motion For New Trial (“van Dam declarations”) and the declaration of Dr. Ravin Balakrishnan
14 submitted in support of Apple’s opposition thereto (“Balakrishnan declaration”). The van Dam
15 declarations and Balakrishnan declaration include detailed and highly-sensitive descriptions of the
16 operation of Samsung's confidential and trade secret source code that drives certain features
17 included in the Browser and Gallery applications found in Samsung’s smart phones, the disclosure
18 of which would cause significant competitive harm to Samsung. Accordingly, Samsung's request
19 meets the "compelling interest" standard for filing under seal, as the Court has previously found,
20 see Dkt. No. 1649 at 8, 17. Pursuant to L.R. 79-5 and General Order No. 62, an unredacted copy
21 of Samsung’s Opposition to Motion For Leave has been lodged with the Court for in camera
22 review and served on all parties.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is
24 true and correct. Executed on August 10, 2013 at San Francisco, California.

25
26
27
28

/s/ Joby Martin
Joby Martin

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 Civil L.R. 5-1 that concurrence in the electronic filing of this document has been obtained from Joby Martin.

 /s/ Victoria F. Maroulis

Victoria F. Maroulis