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Telefonaktiebolaget
6 *LM Ericsson*

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 APPLE, INC., a California Corporation,)

Case No. 11-CV-01846-LHK

12 Plaintiff,)

13 vs.)

**DECLARATION OF COURTLAND L.
REICHMAN IN SUPPORT OF
SAMSUNG'S ADMINISTRATIVE
MOTION TO SEAL**

14 SAMSUNG ELECTRONICS CO., LTD.,)
a Korean corporation; SAMSUNG)
15 ELECTRONICS AMERICA, INC., a)
New York corporation; SAMSUNG)
16 TELECOMMUNICATIONS AMERICA,)
LLC, a Delaware limited liability)
17 company,)

18 Defendants.)
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1 I, Courtland L. Reichman, declare and state:

2 1. I am an attorney at law admitted to practice before this Court and the courts of the
3 State of California, and am a shareholder in the law firm of McKool Smith Hennigan, P.C., counsel
4 for non-party Telefonaktiebolaget LM Ericsson (“Ericsson”).

5 2. Pursuant to Rule 79-5(d) of the Civil Local Rules of this Court, I submit this
6 declaration on behalf of Ericsson and in support of “Samsung’s Renewed Administrative Motion to
7 File Documents Under Seal” (Doc. No. 1980). I have personal knowledge of the matters set forth
8 herein, and if called as a witness, I could and would competently testify thereto.

9 3. In its motion, Samsung, among other things, requests that the Court seal excerpts
10 from Plaintiff’s Exhibits 87 and 2065. The declaration of Ms. Anna Johns, Director of Patent
11 Licensing for Ericsson, Inc., is attached as Exhibit A to this declaration. In her declaration, Ms.
12 Johns discusses the confidential and sensitive nature of the Ericsson information which Samsung
13 seeks to seal. Based on her testimony, each exhibit contains confidential information of Ericsson
14 that is sealable under the law of the Ninth Circuit and this Court’s “Order Granting-in-Part and
15 Denying-in-Part Motions to Seal” (the “Order”) (Doc. No. 1649).

16 4. Plaintiff Exhibit 87 is the “2nd Expert Report on Ericsson’s Cross-License Offer to
17 Samsung” (the “Report”). In paragraphs 3, 4, 5, 10, 11, 12, 16, 21, 27, and 28 and Table 2, the
18 authors of the Report discuss and describe the terms of a cross-license offer from Ericsson to
19 Samsung, including the amount of the royalty payments requested by Ericsson and Ericsson’s
20 reference royalty rates for essential patents in that technology area. The Court has previously
21 determined that third-party pricing terms, royalty rates, and license payments are protected and
22 should be sealed. *See* Order at 21-22 and 29. Ericsson requests that the Court order that all or
23 portions of paragraphs 3, 4, 5, 10, 11, 12, 16, 21, 27, and 28, and Table 2 be redacted from
24 Plaintiff’s Exhibit 87 and sealed from public access.

25 5. Plaintiff Exhibit 2065 is the transcript of the deposition of Karl Heinz Rosenbrock,
26 which was taken in this case. Page 252, line 25 through page 256, line 13, discusses Exhibit 13 to
27 the deposition, which is also Plaintiff’s Exhibit 87. A question on page 254, lines 19 through 24,
28 quotes from paragraph 28 of Exhibit 87, which quote contains the royalty payments offered and

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1 Ericsson’s essential patent reference royalty rates. Ericsson requests that the Court order lines 20-24
2 on page 254 of the Rosenbrock deposition transcript be redacted and sealed from public access.

3 6. Attached as Exhibit B is Plaintiff’s Exhibit 87 redacted consistent with Ericsson’s
4 requested relief.

5 7. Attached as Exhibit C is page 254 of Exhibit 2065 redacted consistent with
6 Ericsson’s requested relief.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true and correct. Executed in Redwood Shores, California this 28th day of September 2012.

9
10 /s/Courtland L. Reichman
11 Courtland L. Reichman

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13 **McKool Smith Hennigan P.C.**
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15 Redwood Shores, California 94065
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PROOF OF SERVICE

I am employed in the County of Dallas, State of Texas. I am over the age of 18 years and not a party to the within action; my business address is 300 Crescent Court, Suite 1500, Dallas, Texas 75201.

On September 28, 2012, all counsel of record who are registered ECF users are being served with a copy of the foregoing document described as **DECLARATION OF COURTLAND L. REICHMAN IN SUPPORT OF SAMSUNG’S ADMINISTRATIVE MOTION TO SEAL**, via the Electronic Case Filing Program of the United States District Court for the Northern District of California per Local Rule 5-3.3.

Executed on September 28, 2012 at Dallas, Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Janet Wasson

Janet Wasson

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