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17 Attorneys for Non-Party,  
18 SPRINT SPECTRUM, L.P.

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN JOSE DIVISION

22	APPLE, INC., a California Corporation ,	)	Case No. 11-CV-01846-LHK
23	Plaintiff,	)	<b>DECLARATION OF DAVID OWENS IN SUPPORT OF EXPEDITED MOTION FOR ADMINISTRATIVE RELIEF BY NONPARTY SPRINT SPECTRUM, L.P. TO SEAL DOCUMENT IN PART</b>
24	vs.	)	
25	SAMSUNG ELECTRONICS CO., LTD., a	)	
26	Korean Corporation; SAMSUNG	)	
27	ELECTRONICS AMERICA, INC., a New York	)	[Civ. L.R. 79-5]
28	Corporation; SAMSUNG	)	Date: Expedited Request Courtroom: 8, 4th Floor Judge: Hon. Lucy H. Koh Courtroom: 5, 4 <sup>th</sup> Floor Magistrate: Paul S. Grewal
29	TELECOMMUNICATIONS AMERICA, LLC,	)	
30	a Delaware limited liability Company ,	)	
31	Defendants.	)	

32 I, David Owens, declare and state that I have personal knowledge of the facts stated below and  
33 declare the following under penalty of perjury:  
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1           1.     I am Vice President of Products for Sprint and I have held this position since February  
2 of 2011. Before that, I was Sprint's Vice President of Marketing of Consumer Acquisition. I have  
3 worked for Sprint for more than 20 years.

4           2.     Sprint is a communications company offering a comprehensive range of  
5 communications products and services that are designed to meet the needs of consumers. As it relates to  
6 this lawsuit, Sprint offers for sale wireless services using a variety of multi-functional devices, such as  
7 handsets manufactured by various suppliers, for use with our voice and data services.

8           3.     I submit this declaration to explain the substantial harm that Sprint, its business  
9 partners, and its customers would suffer if certain information regarding the economics surrounding the  
10 Samsung devices mentioned in the attached Exhibit 42 is not redacted from the public filing.

11          4.     This document contains extremely sensitive trade secret information that Sprint closely  
12 guards, including the amount paid by Sprint to Samsung for several different Samsung handset models.  
13 The document relates to a Sprint claim for reimbursement from Samsung for Sprint's costs caused by  
14 quality issues associated with a particular Samsung handset device. It sets forth the financial impact that  
15 these quality issues had on Sprint, including Samsung's handling of its proposed resolution for those  
16 quality issues. The chart at the top of page 2 of Exhibit 42 sets forth detailed and confidential  
17 information regarding seven different Samsung handsets, including the cost to Sprint of each handset  
18 device, return/exchange rates for each type of device, the extent to which those return/exchange rates  
19 were above what Sprint considers to be normal, incremental exchanges, and total excessive costs to  
20 Sprint associated with returns and exchanges on the listed Samsung handsets. It also contains the actual  
21 cost of repair for handset devices. It then sets forth screen shots with consumer ratings from which a  
22 reader could deduce the particular Samsung handset at issue. Finally, on the third page, it sets forth the  
23 major software issues Sprint encountered for this handset.

24          5.     Financial information relating to the economics associated with a wireless carrier  
25 carrying a particular handset device, including the price paid by the carrier for the device, is  
26 extraordinarily sensitive competitive information that is carefully guarded by all players within the  
27 wireless industry. For example, Sprint and the other carriers treat the prices they pay a handset

1 manufacturer for handsets as extremely confidential trade secrets that they never share with other  
2 carriers or other handset makers. Indeed, Sprint and the other carriers and manufacturers consider such  
3 information to be so confidential that even when they are co-defendants in patent litigation, the  
4 information is treated as highly confidential and is not made available to anyone other than outside  
5 counsel for co-defendants. Similarly, even within Sprint itself, this type of information is considered so  
6 sensitive that it is disclosed internally only to employees with a clear and direct need to know it.


7         6. Public disclosure of the price and other economic information in Exhibit 42 would give  
8 Sprint's competitors and other manufacturers, who do not have to disclose their own, similar  
9 information, a significant competitive advantage over Sprint. Carriers and manufacturers would be able  
10 to use this information to influence negotiations with each other and to make strategic purchasing and  
11 pricing decisions. Such disclosure would give Sprint's competitors and other manufacturers access to  
12 closely guarded information that they never otherwise would be able to obtain, while they would still be  
13 able to maintain secrecy of their own confidential trade secret information.

14         7. Exhibit 42 also sets forth the number of handsets repaired because of software  
15 issues like sluggish performance, locking up, and data freezing. This information is carefully  
16 recorded and closely analyzed by Sprint, and by other carriers regarding their own devices, for the  
17 purpose of identifying which devices are more desired by consumers and where to shift corporate  
18 resources for optimizing market demand for the best devices paired with the best services. This  
19 information takes resources to collect, analyze, and maintain. Disclosure of this data would allow  
20 competitors to forgo the costs associated with market research and to benefit from Sprint's  
21 corporate expenditure and diligent efforts to maintain the secrecy of important knowledge of the  
22 trade for the purpose of optimizing company offerings with consumer demand. Moreover,  
23 disclosure of this information would give other carriers a potential competitive advantage that they  
24 could use against Sprint, for example in marketing, without allowing Sprint access to similar  
25 information from those carriers about their devices.

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Executed under penalty of perjury of the laws of the United States this 16th day of October,

2012.

By:   
David Owens