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

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
18

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 Defendant.  
26

CASE NO. 11-cv-01846-LHK

**DECLARATION OF HANKIL KANG**

1 I, Hankil Kang, declare:

2 1. I am Legal Counsel at Samsung Electronics Co., Ltd. (“SEC”). I have personal  
3 knowledge of the facts set forth in this declaration, except as otherwise noted, and, if called as a  
4 witness, could and would testify to those facts under oath.

5 2. I submit this declaration in support of Apple’s Administrative Motion to Seal  
6 Regarding Apple’s Reply Brief in Support of Motion for a Permanent Injunction and Damages  
7 Enhancement.

8 3. Exhibit 23 to the Declaration of Richard S.J. Hung in Support of Apple’s Motion  
9 for Permanent Injunction and Damages Enhancement; and Judgment as a Matter of Law  
10 (Renewed), New Trial, and Amended Judgment [FRCP 50, 59] (“Hung Declaration”) consists of  
11 excerpts from a source code file produced by Samsung in this litigation and designated “Highly  
12 Confidential – Attorneys’ Eyes Only” under the protective order. The Court has previously held  
13 that compelling reasons exist to seal excerpts from source code files. (Dkt. No. 1649 at 8, 17.)  
14 Disclosure of the excerpts included in Exhibit 23 is likely to cause Samsung harm as competitors  
15 could use the information to copy features included in Samsung’s products. Samsung requests  
16 that Exhibit 23 be sealed in its entirety.

17 4. Portions of the Declaration of Karan Singh, Ph. D., in Support of Apple’s Reply in  
18 Support of Its Motion for a Permanent Injunction and for Damages Enhancements include  
19 detailed, highly-sensitive descriptions of the operation of Samsung’s source code, including the  
20 descriptions of algorithms. Samsung has designated the information “Highly Confidential –  
21 Attorneys’ Eyes Only” under the protective order and disclosure of the information is likely to  
22 cause Samsung harm as competitors could use the information to copy the features included in  
23 Samsung’s products. A proposed redacted version of the Singh Declaration is attached as Exhibit  
24 A.

25 5. Exhibit 17 to the Hung Declaration consists of excerpts from the transcript of the  
26 November 6, 2012 deposition of Stephen Gray, which Samsung has designated “Highly  
27 Confidential – Attorneys’ Eyes Only” under the protective order. The limited portions of Exhibit  
28 17 that Samsung requests be sealed contain detailed, highly-sensitive descriptions of the operation

1 of Samsung's source code, including descriptions of algorithms. Disclosure of this information is  
2 likely to cause Samsung harm as competitors could use the information to copy the features  
3 included in Samsung's products. A proposed redacted version of Exhibit 17 is attached as Exhibit  
4 B.

5           6.       Exhibit 9 to the Hung Declaration consists of excerpts from a document produced  
6 by Samsung in this litigation and designated "Highly Confidential – Attorneys' Eyes Only" under  
7 the protective order. The portions of the document that Samsung requests be sealed describe  
8 Samsung's design strategy, and include specific information about the features Samsung considers  
9 important and the results of surveys conducted by Samsung. In addition, the document describes  
10 Samsung's internal decision-making process. Disclosure of details about Samsung's product  
11 planning and business strategy could cause serious competitive harm. A proposed redacted  
12 version of Exhibit 9 is attached as Exhibit C.

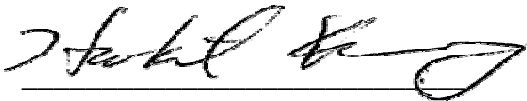
13           7.       Exhibit 12 to the Hung Declaration consists of excerpts from a document produced  
14 by Samsung in this litigation and designated "Highly Confidential – Attorneys' Eyes Only" under  
15 the protective order. The document reveals Samsung's recent design strategy, and includes the  
16 results of surveys conducted by Samsung and unreleased product designs. Disclosure of the  
17 information included in Exhibit 12 is likely to cause harm to Samsung as competitors could use  
18 the information to copy Samsung's designs. Samsung requests that Exhibit 12 be sealed in its  
19 entirety.

20           8.       Portions of Exhibit 2 to the Declaration of Marylee Robinson in Support of Apple's  
21 Motions for a Permanent Injunction, for Damages Enhancement, for Supplemental Damages, and  
22 for Prejudgment Interest contain recent sales data for various Samsung products that are currently  
23 in the market. It is Samsung's policy to not disclose recent sales data as competitors could use the  
24 information to Samsung's disadvantage. A proposed redacted version of Exhibit 2 is attached as  
25 Exhibit D.

26           9.       Limited portions of Apple's Reply Brief in Support of its Motion for a Permanent  
27 Injunction and for Damages Enhancements include the same information described in paragraphs  
28

1 3-8, and should be sealed for the same reasons. A proposed redacted version of Apple’s Reply is  
2 attached as Exhibit E.

3  
4 I declare under penalty of perjury under the laws of the United States of America that the  
5 foregoing is true and correct. Executed in Suwon, South Korea on November 17, 2012.

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8 Hankil Kang

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