

1 HAROLD J. MCELHINNY (CA SBN 66781)  
 hmcclhinny@mofo.com  
 2 MICHAEL A. JACOBS (CA SBN 111664)  
 mjacobs@mofo.com  
 3 JENNIFER LEE TAYLOR (CA SBN 161368)  
 jtaylor@mofo.com  
 4 ALISON M. TUCHER (CA SBN 171363)  
 atucher@mofo.com  
 5 RICHARD S.J. HUNG (CA SBN 197425)  
 rhung@mofo.com  
 6 JASON R. BARTLETT (CA SBN 214530)  
 jasonbartlett@mofo.com  
 7 MORRISON & FOERSTER LLP  
 425 Market Street  
 8 San Francisco, California 94105-2482  
 Telephone: (415) 268-7000  
 9 Facsimile: (415) 268-7522

WILLIAM F. LEE  
 william.lee@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 60 State Street  
 Boston, MA 02109  
 Telephone: (617) 526-6000  
 Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
 mark.selwyn@wilmerhale.com  
 WILMER CUTLER PICKERING  
 HALE AND DORR LLP  
 950 Page Mill Road  
 Palo Alto, California 94304  
 Telephone: (650) 858-6000  
 Facsimile: (650) 858-6100

11 Attorneys for Plaintiff and  
 12 Counterclaim-Defendant APPLE INC.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

16 APPLE INC., a California corporation,  
 17

18 Plaintiff,

19 v.

20 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean corporation; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New  
 York corporation; and SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,

23 Defendants.  
 24

Case No. 11-cv-01846-LHK

**DECLARATION OF CYNDI WHEELER IN  
 SUPPORT OF SAMSUNG'S  
 ADMINISTRATIVE MOTION TO FILE  
 DOCUMENTS UNDER SEAL RE  
 SAMSUNG'S OPPOSITION TO APPLE'S  
 MOTION FOR ENTRY OF PRELIMINARY  
 INJUNCTION**

1 I, Cyndi Wheeler, hereby declare as follows:

2 1. I am an attorney for Apple Inc. (“Apple”). I submit this declaration in support of  
3 Samsung’s Administrative Motion to File Under Seal (Dkt. No. 977) pursuant to Local Rules 7-  
4 11 and 79-5. I have personal knowledge of the matters set forth below. If called as a witness I  
5 could and would competently testify as follows.

6 2. Samsung’s Opposition to Apple’s Motion Pursuant to Rule 62(c) for Entry of  
7 Preliminary Injunction Without Further Hearing (the “Opposition”) and Exhibits 1 and 2 to the  
8 Declaration of Carl Anderson in Support of the Opposition contain Apple-confidential  
9 information.

10 3. Exhibit 1 contains the confidential analysis of Apple’s expert Terry Musika and  
11 includes information from other highly confidential documents, including third party competitive  
12 market research studies. Exhibit 2 consists of highly confidential competitive market research  
13 information. These exhibits should be sealed in their entirety.

14 4. The Opposition refers to specific information from these documents, in particular  
15 in the final sentence of footnote 4 on page 8, and should be redacted to that extent.

16 5. It is Apple’s policy not to disclose or describe its confidential financial  
17 information, business practices, or competitive research to third parties. The above information is  
18 indicative of the way that Apple manages its business affairs and reveals highly confidential  
19 information on the competitive marketplace. If disclosed, the information in the materials  
20 described above could be used by Apple’s competitors to Apple’s disadvantage. The requested  
21 relief is necessary and narrowly tailored to protect the confidentiality of this information.

22 I declare under penalty of perjury under the laws of the United States of America that the  
23 foregoing is true and correct to the best of my knowledge. Executed this 1st day of June, 2012, in  
24 Cupertino, California.

25  
26 /s/ Cyndi Wheeler  
Cyndi Wheeler

