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 11 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

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

17 APPLE INC., a California corporation,

18 Plaintiff,

19 v.

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

21 Defendants.

Case No. 11-cv-01846-LHK (PSG)

**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 ADVERSE
 INFERENCE**

1 I, CYNDI WHEELER, do 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 Documents Under Seal (Dkt. No. 987) pursuant to
4 Local Rules 7-11 and 79-5. I have personal knowledge of the matters set forth below. If called as
5 a witness I could and would testify competently as follows.

6 2. Exhibits 2 and 3 to the Declaration of Alex Binder in Support of Samsung’s
7 Opposition to Apple’s Motion for Adverse Inference Jury Instruction (Dkt. No. 987-39) (“Binder
8 Declaration”) are excerpts from Apple’s identifications of custodians, search terms, and document
9 retention notices. These documents contain non-public Apple confidential information relating to
10 Apple’s products, internal servers, the components in Apple’s products, Apple’s document
11 collection and preservation procedures, and the individual employees involved with the claims at
12 issue and Apple’s document collection efforts. This information could be used to Apple’s
13 disadvantage by competitors if it were not filed under seal. These exhibits should be sealed in
14 their entirety.

15 3. It is Apple’s policy not to disclose or describe its confidential business and
16 processes, product development information, or confidential information about the structure of its
17 internal corporate computer infrastructure. The above information is indicative of the way that
18 Apple manages its business affairs and reveals highly confidential information regarding its
19 business practices. If disclosed, the information in the materials described above could be used
20 by Apple’s competitors to Apple’s disadvantage. The requested relief is necessary and narrowly
21 tailored to protect the confidentiality of this information.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct and that this Declaration was executed this 5th day of June, 2012 at
24 Cupertino, California.

25 /s/ Cyndi Wheeler
26 CYNDI WHEELER

