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 11 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

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

16
 17 APPLE INC., a California corporation,

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.

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

**DECLARATION OF CYNDI WHEELER IN
 SUPPORT OF SAMSUNG'S
 ADMINISTRATIVE MOTION TO FILE
 DOCUMENTS UNDER SEAL**

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. 1044) pursuant to Local
4 Rules 7-11 and 79-5. I have personal knowledge of the matters set forth below. If called as a
5 witness I could and would competently testify as follows.

6 2. Exhibit 5 to the Declaration of Mark Tung in support of Samsung’s Reply In
7 Support of Samsung’s Motion for Clarification of May 4th Order (“Tung Declaration”) (Dkt.
8 No. 1044-4) is an excerpt of the Expert Report of Karan Singh, Ph.D. It contains highly
9 confidential and commercially sensitive information relating to Apple’s utility patents and source
10 code. It is Apple’s policy not to disclose non-public information regarding its product
11 development, intellectual property, and source code. The above information could be used to
12 Apple’s disadvantage by competitors if it were not filed under seal. The requested relief is
13 necessary and narrowly tailored to protect the confidentiality of this information. A proposed
14 redacted version is submitted herewith as **Exhibit A**.

15 3. Samsung’s Reply In Support of Motion for Clarification of May 4th Order (Dkt.
16 No. 1044-1) also should be sealed to the extent it refers to or discusses the exhibit above for the
17 same reasons.

18 4. Apple does not maintain a claim of confidentiality on Exhibit 4 to the Tung
19 Declaration.

20 I declare under penalty of perjury that the foregoing is true and correct to the best of my
21 knowledge. Executed this 12th day of June, 2012, in Cupertino, California.

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23 /s/ Cyndi Wheeler
24 Cyndi Wheeler

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