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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.

Case No. 11-cv-01846-LHK  
**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. 1179) 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 Reply in Support of Opening Memorandum Regarding Claim  
7 Construction (“Claim Construction Reply”) and Exhibit 1 to the Declaration of Katharine Barach  
8 in Support of Samsung’s Claim Construction Reply (“Barach Declaration”) contain Apple-  
9 confidential information. Specifically:

10 3. Exhibit 1 to the Barach Declaration contains highly confidential information  
11 relating to Apple’s design and development process and the genesis of Apple’s design patent  
12 applications and figures therein before they are published. A proposed redacted version is  
13 attached as **Exhibit 1**.

14 4. Samsung’s Claim Construction Reply refers to confidential information from the  
15 above exhibit. Samsung’s proposed redactions on page 4 of its publicly filed version (Dkt. No.  
16 1179-3) are sufficient for that purpose.

17 5. It is Apple’s policy not to disclose or describe its confidential business practices,  
18 the work product of its outside counsel and patent agents, or design and development information.  
19 The above information is indicative of the way that Apple manages its business affairs and  
20 reveals highly confidential information on its design process. If disclosed, the information in the  
21 materials described above could be used by Apple’s competitors to Apple’s disadvantage. The  
22 requested relief is necessary and narrowly tailored to protect the confidentiality of this  
23 information.

24 6. Based on the Court’s prior orders regarding the sealing of similar materials,  
25 Apple does not seek to seal the remaining materials, including Exhibits 2 and 3 to the Barach  
26 Declaration and page 5 of Samsung’s Claim Construction Reply.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed this 10th day of July, 2012, in Cupertino, California.

/s/ Cyndi Wheeler  
Cyndi Wheeler

