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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 MOTIONS 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 Motions to File Under Seal (Dkt. Nos. 1201 and 1208) 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 competently testify as follows.

6 2. Samsung filed a motion to file under seal (Dkt. No. 1201) the unredacted version  
7 of Samsung’s Opposition to Apple’s Supplemental Claim Construction Brief. Apple does not  
8 maintain a claim of confidentiality on this material.

9 3. Samsung filed a motion to file under seal (Dkt. No. 1208) the unredacted version  
10 of Samsung’s Opposition to Apple’s Motions *in Limine* and Exhibits B and C to the Declaration  
11 of John D’Amato in support of Samsung’s Opposition to Apple’s Motions *in Limine* (“D’Amato  
12 Declaration”). These documents contain confidential Apple information. Specifically:

13 4. Exhibit B to the D’Amato Declaration consists of excerpts from the December 1,  
14 2011 deposition of Jonathan Ive. These excerpts contain details of Apple’s design process and  
15 how Apple’s industrial design team operates. A proposed redacted version is attached as  
16 **Exhibit 1.**

17 5. Exhibit C to the D’Amato Declaration consists of excerpts from the August 3,  
18 2011 deposition of Christopher Stringer. These excerpts contain extensive discussions of the  
19 details of Apple’s design process and how Apple’s industrial design team operates. It should be  
20 sealed in its entirety.

21 6. Samsung’s Opposition to Apple’s Motions *in Limine* should be sealed to the extent  
22 it refers to details of Apple’s design process, as discussed above. Moreover, it should be sealed to  
23 the extent it refers to discussions of capacity and financial information. The redacted brief filed  
24 by Samsung includes redactions of this information, in particular the redactions at 2:23-25, 3:3-5,  
25 21:7-15, and 22:7-9.

26 7. It is Apple’s policy not to disclose or describe its confidential business practices,  
27 design and development information, or financial information. The above information is  
28 indicative of the way that Apple manages its business and design affairs and reveals highly

1 confidential information. If disclosed, the information in the materials described above could be  
2 used by Apple's competitors to Apple's disadvantage. The requested relief is necessary and  
3 narrowly tailored to protect the confidentiality of this information.

4 8. Apple does not maintain a claim of confidentiality on Exhibits A or G to the  
5 D'Amato Declaration.

6 I declare under penalty of perjury that the foregoing is true and correct. Executed this  
7 17th day of July, 2012 at Cupertino, California.

8  
9 /s/ Cyndi Wheeler  
Cyndi Wheeler

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