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Attorneys for Plaintiff
 APPLE INC.

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

14 APPLE INC., a California corporation,
 15
 16 Plaintiff,
 17 v.
 18 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG
 19 ELECTRONICS AMERICA, INC., a New
 York corporation; and SAMSUNG
 20 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company,
 21 Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF CYNDI WHEELER IN
 SUPPORT OF SEALING SAMSUNG'S
 UNREDACTED MOTION TO EXCLUDE
 ORDINARY OBSERVER OPINIONS OF
 APPLE EXPERT COOPER WOODRING
 AND EXHIBITS 3, 5, AND 8 TO THE
 DECLARATION OF MICHAEL T. ZELLER**

Date:
 Time:
 Place:
 Judge: Hon. Lucy H. Koh

1 Pursuant to Civil L.R. 79-5(d), Plaintiff Apple Inc. submits the appended declaration of
2 Cyndi Wheeler in support of Samsung's Stipulated Administrative Motion to File Under Seal
3 Pursuant to Local Rules 7-11 and 79-5 (D.N. 169), to establish that the following are sealable:

- 4 • The confidential, unredacted version of Samsung's Motion to Exclude Ordinary
5 Observer Opinions of Apple Expert Cooper Woodring (D.N. 176) ("Motion to Exclude");
6 *and*
- 7 • Exhibits 3, 5, and 8 to the Declaration of Michael T. Zeller in support of
8 Samsung's Motion to Exclude Ordinary Observer Opinions of Apple Expert Cooper
9 Woodring (D.N. 177) ("Zeller Declaration").

10 **DECLARATION OF CYNDI WHEELER**

11 I, Cyndi Wheeler, do hereby declare as follows:

12 1. I am a Senior Patent Litigation Counsel at Apple Inc. ("Apple"). I submit this
13 Declaration in support of Samsung's Stipulated Administrative Motion to File Under Seal
14 Pursuant to Local Rules 7-11 and 79-5 (D.N. 169). I have personal knowledge of the facts set
15 forth in this Declaration and, if called as a witness, could and would competently testify to them.

16 2. Exhibit 3 to the Zeller Declaration is a document produced by Apple in this
17 litigation, and is an expert report prepared by Cooper C. Woodring. It was designated HIGHLY
18 CONFIDENTIAL-ATTORNEYS' EYES ONLY under the interim protective order. It contains
19 third party confidential information pertaining to the subject of Mr. Woodring's report, as well as
20 quotations from witness statements. This information should remain confidential to preserve the
21 confidentiality interests of the third parties involved in that litigation.

22 3. Exhibit 5 to the Zeller Declaration is a document that was produced by Apple in
23 this litigation, and used as an exhibit during the depositions of Richard Lutton and Cooper
24 Woodring. This document was designated HIGHLY CONFIDENTIAL - ATTORNEYS' EYES
25 ONLY under the interim protective order. It contains confidential, proprietary market research
26 and analysis, including information about the competitive landscape for mobile devices. This
27 business information was created at a significant cost to Apple, and could be used by Apple's
28

1 competitors to its disadvantage, particularly because it discusses Apple's direct competitors. It
2 also reflects Apple's confidential business strategy.

3 4. Exhibit 8 to the Zeller Declaration is an excerpt from the deposition transcript of
4 Christopher Stringer, an Apple employee. The entire transcript was initially designated HIGHLY
5 CONFIDENTIAL-ATTORNEYS' EYES ONLY under the interim protective order. Following
6 the review period, Apple has revised its designations. The following portions of Exhibit HH
7 remain HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY: pages 44:5-47; 56:1-56:23;
8 57:15-57:25. These sections of the transcript contain information about Apple's highly
9 confidential internal industrial design process, including discussions of Apple trade secrets. This
10 trade secret information could be used by Apple's competitors to its disadvantage.

11 5. Those portions of the unredacted version of Samsung's Motion to Exclude
12 containing information drawn from Exhibits 3, 5, and 8 should remain under seal for the same
13 reasons as articulated above.

14 6. The requested relief is necessary and narrowly tailored to protect this confidential
15 information. The exhibits described above do not contain significant relevant, non-confidential
16 material.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 forgoing is true and correct to the best of my knowledge. Executed this 30th day of August, 2011,
19 in Cupertino, California.

20
21 /s/ Cyndi Wheeler
22 Cyndi Wheeler

