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11 Attorneys for Plaintiff and  
 12 Counterclaim-Defendant APPLE INC.

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

18 APPLE INC., a California corporation,  
 19 Plaintiff,  
 20 v.  
 21 SAMSUNG ELECTRONICS CO., LTD., A  
 Korean business entity; SAMSUNG  
 22 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 23 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company.,  
 24 Defendants.  
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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, 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 Motions to File Documents Under Seal. [Dkt. Nos. 542 and 548.]  
4 Unless otherwise indicated, 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. Samsung’s Response to Apple’s Opening Claim Construction Brief and exhibits  
7 attached to the Declaration of Todd M. Briggs in Support of Samsung’s Response to Apple’s  
8 Opening Claim Construction Brief contained Apple-confidential information. (*See* Declaration of  
9 Brian E. Mack in Support of Samsung’s Administrative Motion to File Documents Under Seal  
10 [Dkt. 542-1].) (“Briggs Declaration”) Specifically:

- 11 • Exhibit B to the Briggs Declaration contains a confidential Apple engineering  
12 requirements specification and discussion of that specification in a deposition  
13 transcript.
- 14 • Exhibit I and J to the Briggs Declaration contain discussions of specific aspects  
15 of confidential prototype designs.

16 3. Apple does not maintain a claim of confidentiality on Exhibits M, N, S, or O to the  
17 Briggs Declaration.

18 4. Similarly, specific portions of Exhibit X to the Declaration of Mark Tung in  
19 Support of Samsung’s Notice of Lodging Materials in Opposition to Apple’s Motion for  
20 Preliminary Injunction contained Apple-confidential information. (*See* Declaration of Melissa N.  
21 Chan in Support of Samsung’s Administrative Motion to File Documents Under Seal [Dkt. 548-  
22 2].) (“Chan Decl.”) Specifically:

- 23 • Pages 74-76 and 98 of Exhibit X discuss Apple prototype alternative designs  
24 and final design decisions as compared to those alternative designs.
- 25 • Pages 209-10, 213, and 248 contain market share information from a  
26 confidential report customized for Apple by a third party.
- 27 • Pages 222 and 224-28 contain discussions of confidential licenses and  
28 licensing negotiations between Apple and Samsung or Apple and third parties.

1           5.       Apple does not maintain a claim of confidentiality on pages 24, 77-78, 100, 103,  
2 106, 202-05, or 212 of Exhibit X.

3           6.       It is Apple's policy not to disclose or describe its confidential design, trade secrets,  
4 market research, product development, or business practices to third parties. This information is  
5 confidential to Apple. It is indicative of the way that Apple manages its business affairs, designs  
6 its products and conducts product development. If disclosed the information could be used by  
7 Apple's competitors to Apple's disadvantage. The requested relief is necessary and narrowly  
8 tailored to protect the confidentiality of this information.

9           I declare under the penalty of perjury under the laws of the United States of America that  
10 the forgoing is true and correct to the best of my knowledge and that this Declaration was  
11 executed this 29th day of December, 2011, at Cupertino, California.

12  
13 Dated: December 29, 2011

By: /s/ Cyndi Wheeler  
Cyndi Wheeler

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