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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.

Case No. 11-cv-01846-LHK

**DECLARATION OF  
 CYNDI WHEELER IN SUPPORT  
 OF APPLE'S RENEWED  
 ADMINISTRATIVE MOTION 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 Apple’s Renewed Administrative Motion to File Documents Under Seal. I have personal  
4 knowledge of the matters set forth below. If called as a witness I could and would testify  
5 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. Pages 13-31 of the exhibit are the confidential document itself. The  
14 discussions of the confidential document appear on lines 8-25 of page 7; and  
15 lines 1-3, 7, and 19-25 of page 8.
- 16 • Exhibit I to the Briggs Declaration contains a brief discussion of a specific  
17 element of a confidential prototype design. This discussion appears on lines  
18 20-25 of page 7 and line 1 of page 8.
- 19 • Exhibit J to the Briggs Declaration also contains discussion of a specific  
20 element of a confidential prototype design. This discussion appears on lines 7-  
21 17 of page 7.
- 22 • Samsung’s Response to Apple’s Opening Claim Construction Brief contains a  
23 reference to the confidential portion of Exhibit B described above, including a  
24 quote from the confidential engineering document. The confidential portion of  
25 the brief appears at the end of footnote 2.

26 3. It is Apple’s policy not to disclose or describe its confidential design, trade secrets,  
27 or product development, including in particular the details of its unreleased prototypes, to third  
28 parties. The confidential material described above all relates to such trade secret information, as

1 each of the three referenced exhibits contains portions discussing confidential engineering  
2 information or unreleased prototype design, and the referenced brief quotes from the confidential  
3 portion of one of the exhibits. This information is highly confidential to Apple. It is indicative of  
4 the way that Apple manages its business affairs, designs its products, and conducts its product  
5 development. The information described above could be used by Apple's competitors to Apple's  
6 disadvantage if disclosed publicly. The relief requested in this renewed motion is necessary and  
7 is narrowly tailored to protect confidential information, focusing only on specific portions of the  
8 documents at issue.

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 12th day of January, 2012, at Cupertino, California.

12  
13 Dated: January 12, 2011

By: /s/ Cyndi Wheeler  
Cyndi Wheeler

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