

1 HAROLD J. MCELHINNY (CA SBN 66781)
 hmcclhinny@mofo.com
 2 MICHAEL A. JACOBS (CA SBN 111664)
 mjacobs@mofo.com
 3 JENNIFER LEE TAYLOR (CA SBN 161368)
 jtaylor@mofo.com
 4 ALISON M. TUCHER (CA SBN 171363)
 atucher@mofo.com
 5 RICHARD S.J. HUNG (CA SBN 197425)
 rhung@mofo.com
 6 JASON R. BARTLETT (CA SBN 214530)
 jasonbartlett@mofo.com
 7 MORRISON & FOERSTER LLP
 425 Market Street
 8 San Francisco, California 94105-2482
 Telephone: (415) 268-7000
 9 Facsimile: (415) 268-7522

WILLIAM F. LEE
 william.lee@wilmerhale.com
 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 60 State Street
 Boston, MA 02109
 Telephone: (617) 526-6000
 Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)
 mark.selwyn@wilmerhale.com
 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 950 Page Mill Road
 Palo Alto, California 94304
 Telephone: (650) 858-6000
 Facsimile: (650) 858-6100

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

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 (PSG)

**DECLARATION OF
 CYNDI WHEELER IN SUPPORT
 OF SAMSUNG'S
 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 Samsung’s Administrative Motion to File Documents Under Seal. [Dkt. No. 643.] Unless
4 otherwise indicated, I have personal knowledge of the matters set forth below. If called as a
5 witness I could and would testify competently as follows.

6 2. Exhibit 2 to the Declaration of Melissa N. Chan in Support of Samsung’s
7 Opposition to Apple’s Motion to Compel Discovery Relating to Apple’s Affirmative Defenses
8 and Counterclaims contains Apple-confidential material. (See Declaration of Melissa N. Chan in
9 Support of Samsung’s Administrative Motion to File Under Seal Its Opposition to Apple’s
10 Motion to Compel Relating to Affirmative Defenses/Counterclaims [Dkt. No. 643-1] ¶ 5.)
11 Exhibit 2 was designated HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY under the
12 interim protective order.

13 3. The above-referenced exhibit consists of 1) a letter from Apple’s counsel to
14 Samsung’s counsel describing in detail Apple’s discovery document collection and processing
15 procedures and 2) an attachment to that letter with references to internal Apple code names for its
16 products and a number of search terms for internal Apple documents. The search terms were
17 devised from confidential business, product development, and design information to collect
18 responsive documents, many of which will themselves be confidential. These search terms are
19 non-public and were revealed to Samsung’s counsel under a confidentiality designation in the
20 interest of discovery transparency. This exhibit should be sealed in its entirety with the exception
21 of the first page of the letter’s attachment listing document custodians. On that page, the
22 numerical code names should be sealed.

23 4. It is Apple’s policy not to disclose or describe its confidential product
24 development or business practices to third parties. The above information is confidential to
25 Apple and reveals such product development and business practices. The discussion of document
26 collection, processing and search terms reveals how Apple manages its business affairs with
27 respect to litigation. Moreover, the search terms were devised from confidential business,
28 product development and design information. Apple’s internal project code names reveal

1 information that Apple uses to maintain confidentiality with respect to its entire design and
2 development process. If disclosed, the information in the materials described above could be
3 used by Apple's competitors to Apple's disadvantage. The requested relief is necessary and
4 narrowly tailored to protect the confidentiality of this information.

5 I declare under the penalty of perjury under the laws of the United States of America that
6 the forgoing is true and correct to the best of my knowledge and that this Declaration was
7 executed this 24th day of January, 2012, at Cupertino, California.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: January 24, 2012

By: /s/ Cyndi Wheeler
Cyndi Wheeler

