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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
 22 Korean business entity; SAMSUNG
 23 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 24 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company,
 25 Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF
 CYNDI WHEELER IN SUPPORT
 OF SAMSUNG'S
 ADMINISTRATIVE MOTIONS
 TO FILE DOCUMENTS UNDER
 SEAL**

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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 filed on January 26 and 27,
4 2012. [Dkt. Nos. 667 and 675.] Unless otherwise indicated, I have personal knowledge of the
5 matters set forth below. If called as a witness I could and would testify competently as follows.

6 2. Samsung’s Motion to Supplement Invalidity Contentions (“Samsung’s Motion”),
7 Exhibits O-Q and R to the Declaration of Alex Baxter in Support of Samsung’s Motion (“Baxter
8 Declaraiton”), and Exhibit 4 to the Declaration of Todd Briggs in Support of Samsung’s Motion
9 (“Briggs Declaration”) contain Apple-confidential material. (See Declaration of Bill Trac in
10 Support of Samsung’s Administrative Motion to File Documents Under Seal [Dkt. No. 667-1]
11 (“Trac Declaration”); Declaration of Alex Baxter in Support of Samsung’s Motion to File
12 Documents Under Seal [Dkt. No. 675-1] (“Baxter Declaration ISO MtS”).) Specifically:

- 13 • Exhibit O to the Baxter Declaration consists of excerpts from the deposition of
14 Apple inventor Imran Chaudhri. These excerpts include discussions of the
15 timing of a meeting with attorneys and the timing of early ‘891 patent
16 development, which reveals confidential information regarding Apple’s
17 development process. A proposed redacted version is attached hereto as
18 **Exhibit 1.**
- 19 • Exhibit P to the Baxter Declaration consists of excerpts from the deposition of
20 Apple inventor Bas Ording. These excerpts discuss the timing of Ording’s
21 initial work on the iPhone product, which reveals confidential information
22 regarding Apple’s development process. A proposed redacted version is
23 attached hereto as **Exhibit 2.**
- 24 • Exhibit Q to the Baxter Declaration consists of excerpts from the deposition of
25 Apple inventor Steven Christensen. These excerpts discuss specific details of
26 the development of Apple products as well as confidential licensing
27 discussions. A proposed redacted version is attached hereto as **Exhibit 3.**
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- 1 • Exhibit R to the Baxter Declaration consists of excerpts from the deposition of
2 a nonparty, Richard Woolley. These excerpts contain references to
3 confidential licensing discussions and terms. On information and belief, as
4 stated in the Trac Declaration, Exhibits R, T, U, and V to the Baxter
5 Declaration also contain confidential information regarding the nonparty
6 Cirque Corporation. For both of the above reasons, Exhibits R, T, U, and V
7 should be sealed in their entirety.
- 8 • Exhibit W to the Baxter Declaration consists of an excerpt from Apple's
9 Objections and Responses to Samsung's First Set of Interrogatories. It
10 contains the timing of initial work on a number of Apple's products and
11 patents, specific information on Apple's intellectual property enforcement
12 strategies and positions, licensing information, and confidential information
13 regarding Apple's advertising strategy and spend. A proposed redacted
14 version is attached hereto as **Exhibit 4**.
- 15 • Samsung's Motion contains discussion of the aforementioned exhibits and
16 should be sealed to the extent it refers to them.
- 17 • Exhibit 4 to the Briggs Declaration consists of a proposed Invalidity
18 Contention for the '891 patent and contains Apple's source code. Apple's
19 source code is trade secret and highly confidential. A proposed redacted
20 version was attached by Samsung to the Baxter Declaration ISO MtS.

21 3. It is Apple's policy not to disclose or describe its trade secrets, product
22 development, or business practices to third parties. The above information is confidential to
23 Apple. It is indicative of the way that Apple manages its business affairs, designs its products and
24 conducts product development. Apple's source code is highly confidential trade secret
25 information. If disclosed, the information in the materials described above could be used by
26 Apple's competitors to Apple's disadvantage. The requested relief is necessary and narrowly
27 tailored to protect the confidentiality of this information.
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I declare under the penalty of perjury under the laws of the United States of America that the forgoing is true and correct to the best of my knowledge and that this Declaration was executed this 2nd day of February, 2012, at Cupertino, California.

Dated: February 2, 2012

By: /s/ Cyndi Wheeler
Cyndi Wheeler

