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12

13   UNITED STATES DISTRICT COURT

14   NORTHERN DISTRICT OF CALIFORNIA

15   SAN JOSE DIVISION

16

17 APPLE INC., a California corporation,	Case No. 11-cv-01846-LHK (PSG)
18 Plaintiff,	**DECLARATION OF CYNDI WHEELER IN SUPPORT OF APPLE'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL**
19 v.	
20 SAMSUNG ELECTRONICS CO., LTD., A Korean business entity; SAMSUNG	
21 ELECTRONICS AMERICA, INC., a New York corporation; SAMSUNG	
22 TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company.,	
23 Defendants.	
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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   Apple's Administrative Motion to File Documents Under Seal ("Administrative Motion"). I have

4   personal knowledge of the matters set forth below. If called as a witness I could and would

5   testify competently as follows.

6   2.   Apple's Motion to Compel Depositions of 14 of Samsung's Purported "Apex"

7   Witnesses ("Motion to Compel") and certain exhibits to the Declaration of S. Calvin Walden in

8   Support of Apple's Motion to Compel Depositions of 14 of Samsung's Purported "Apex"

9   Witnesses ("Walden Declaration") contain Apple-confidential information. Specifically:

10   a.   Apple's Motion to Compel contains information regarding communications about

11   license negotiations between Apple and Samsung. This information is not publicly

12   available and could be used by Apple's competitors to its disadvantage.

13   b.   Exhibits 7 through 10 to the Walden Declaration contain communications about

14   license negotiations between Apple and Samsung. This information is not publicly

15   available and could be used by Apple's competitors to its disadvantage.

16   3.   It is Apple's policy not to disclose or describe information regarding negotiation of

17   its license agreements. The above information is confidential to Apple. If disclosed, the

18   information in the materials described above could be used by Apple's competitors to Apple's

19   disadvantage.

20   4.   The relief requested in Apple's Administrative Motion is necessary and narrowly

21   tailored to protect confidential information, focusing only on specific exhibits and specific

22   portions of the briefs at issue.

23   I declare under the penalty of perjury under the laws of the United States of America that

24   the forgoing is true and correct to the best of my knowledge and that this declaration was

25   executed this 15th day of February, 2012, at Cupertino, California.

26

27   */s/ Cyndi Wheeler*_____

28   Cyndi Wheeler

1	**ATTESTATION OF E-FILED SIGNATURE**
2	I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this
3	Declaration. In compliance with General Order 45, X.B., I hereby attest that Cyndi Wheeler has
4	concurred in this filing.
5	Dated: February 16, 2012

Dated: February 16, 2012

/s/ *Michael A. Jacobs*
Michael A. Jacobs