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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
 24 corporation; SAMSUNG
 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 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. 758.] 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. Samsung’s Opposition to Apple’s Motion for Sanctions (“Samsung’s
7 Oppositions”), the Declaration of Sara Jenkins in Support of Samsung’s Opposition (“Jenkins
8 Decl.”), and exhibits attached to the Jenkins Decl. contain Apple-confidential material. (*See*
9 Declaration of Melissa Chan in Support of Samsung’s Administrative Motion to File Documents
10 Under Seal [Dkt. No. 758-1]) (“Chan Declaration.”) Specifically:

- 11 • Exhibit A to the Jenkins Decl. consists of a letter that contains references to
12 confidential licensing discussions and relationships. A proposed redacted
13 version is attached hereto as **Exhibit 1**.
- 14 • Exhibit H to the Jenkins Decl. consists of an internal Apple e-mail discussion
15 between high-level Apple executives forwarding a third-party article for
16 discussion. The identities of Apple executives who chose to forward certain
17 pieces of material for discussion and their e-mail addresses are confidential.
18 This information reveals Apple’s strategic discussions at the highest levels and
19 contact information for the highest Apple personnel. A proposed redacted
20 version is attached hereto as **Exhibit 2**.
- 21 • Exhibits I-N to the Jenkins Decl. consist of a declaration excerpt, internal
22 documents, and an email, all of which pertain to business strategy and how
23 Apple approaches and analyzes its competition. These documents should be
24 sealed in their entirety.
- 25 • Samsung’s Opposition and the Jenkins Decl. should be filed under seal to the
26 extent they refer to the above-referenced confidential information.

27 3. Apple does not maintain a claim of confidentiality on Exhibit D to the Jenkins
28 Decl.

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4. It is Apple’s policy not to disclose or describe its confidential trade secrets or business practices to third parties. The above information is confidential to Apple. It is indicative of the way that Apple manages its business affairs. If disclosed, the information in the materials described above could be used by Apple’s competitors to Apple’s disadvantage. The requested relief is necessary and narrowly tailored to protect the confidentiality of this information.

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 5th day of March, 2012, at Cupertino, California.

Dated: March 5, 2012

By: /s/ Cyndi Wheeler
Cyndi Wheeler

