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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 March 7, 2012. (Dkt.
4 Nos. 781 and 782.) Unless otherwise indicated, I have personal knowledge of the matters set
5 forth below. If called as a witness I could and would testify competently as follows.

6 2. Samsung’s Motion to Compel Production of Documents Relating to Apple’s
7 Efforts to Obtain Design Patents Related to the Patents-in-Suit (“Samsung’s MTC re Design
8 Patents”), the Declaration of Diane C. Hutnyan in Support of Samsung’s MTC re Design Patents
9 (“Hutnyan Decl. ISO MTC re Design Patents”), and Exhibit F to the Hutnyan Decl. ISO MTC re
10 Design Patents contain Apple-confidential material. Specifically:

- 11 • Exhibit F to the Hutnyan Decl. ISO MTC re Design Patents contains CAD file
12 directory and image printouts as well as concept images of designs. CAD files
13 are the most heavily protected type of design document at Apple, as they
14 reveal Apple’s designs and design decisions in great detail with multiple views
15 and a high degree of specificity. These files are so confidential that they are
16 produced for inspection at a third party escrow facility, rather than directly to
17 Samsung. The CAD file directories also make reference to Apple’s
18 confidential internal project code names. Other than the first two pages of
19 content, which address patent dates of conception, public disclosure dates, and
20 products embodying the patents; and the final seven pages of content, which
21 consist of press releases, this exhibit should be redacted in its entirety. A
22 proposed public redacted version is attached as Exhibit 1.
- 23 • Samsung’s MTC re Design Patents and the Hutnyan Declaration are
24 confidential to the extent they refer to the above exhibit.

25 3. Apple does not maintain a claim of confidentiality on Exhibit B to the Hutnyan
26 Declaration ISO MTC re Design Patents.

27 4. It is Apple’s policy not to disclose its confidential design, product development, or
28 business practices to third parties. The above information is confidential to Apple. It is

1 indicative of the way that Apple designs its products and conducts product development. The
2 above documents containing internal code names reveal information that Apple uses to maintain
3 confidentiality with respect to its entire development process. If disclosed, the information
4 described above could be used by competitors to Apple's disadvantage. The requested relief is
5 necessary and narrowly tailored to protect the confidentiality of this information.

6 5. Samsung's Motion to Compel Production of Materials from Related Proceedings
7 ("Samsung's MTC re Related Proceedings"), the Declaration of Diane C. Hutnyan ISO
8 Samsung's MTC re Related Proceedings ("Hutnyan Decl. ISO Samsung's MTC re Related
9 Proceedings"), and Exhibits C, D, and N to the Hutnyan Decl. ISO Samsung's MTC re Related
10 Proceedings contain Apple-confidential material. Specifically:

- 11 • Exhibit C to the Hutnyan Decl. ISO Samsung's MTC re Related Proceedings
12 consists of a motion to compel filed by Samsung on December 12, 2011. This
13 motion was already the subject of a motion to file under seal (Dkt. No. 483),
14 which the Court granted in full (Dkt. No. 527). The redacted version of that
15 motion was filed at Dkt. No. 487-0.
- 16 • Exhibit D to the Hutnyan Decl. ISO Samsung's MTC re Related Proceedings
17 consists of an opposition to the above-referenced motion to compel. This
18 opposition was also already the subject of a motion to file under seal (Dkt. No.
19 502), which the Court granted in full (Dkt. No. 525). The redacted version of
20 that opposition was filed at Dkt. No. 502-3.
- 21 • Exhibit N to the Hutnyan Decl. ISO Samsung's MTC re Related Proceedings
22 is identical to Exhibit F to the Hutnyan Decl. ISO Samsung's MTC re Design
23 Patents, the confidentiality of which is discussed above.

24 6. Exhibit B to the Hutnyan Decl. ISO Samsung's MTC re Related Proceedings is
25 identical to Exhibit B to the Hutnyan Decl. ISO Samsung's MTC re Design Patents, and as noted
26 above, Apple does not maintain a claim of confidentiality.

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I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and that this Declaration was executed this 14th day of March, 2012, at Cupertino, California.

Dated: March 14, 2012

By: /s/ Cyndi Wheeler
Cyndi Wheeler

ATTESTATION OF E-FILED SIGNATURE

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I, Richard S.J. Hung, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Cyndi Wheeler has concurred in this filing.

Dated: March 14, 2012

By: /s/ Richard S.J. Hung
Richard S.J. Hung