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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 MOTION TO
 FILE DOCUMENTS UNDER
 SEAL**

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1 I, Cyndi Wheeler, hereby declare as follows:

2 1. I am an attorney for Apple Inc. (“Apple”). I submit this declaration in support of
3 Samsung’s Motion to File Under Seal (Dkt. No. 667), pursuant to the Court’s Order Granting in
4 Part Samsung’s Motion to File Under Seal (Dkt. No. 797) (“the Order”). The Order invited
5 Apple to file a declaration and proposed redactions that narrowly tailor the request to seal
6 Exhibits O, P, Q, and W to the Declaration of Alex Baxter in Support of Samsung’s Motion to
7 Supplement Invalidity Contentions (Dkt. No. 671) (“Baxter Declaration”). I have personal
8 knowledge of the matters set forth below. If called as a witness I could and would testify
9 competently as follows.

10 2. Samsung’s Motion to Supplement Invalidity Contentions (“Samsung’s Motion”) and Exhibits Q and W to the Baxter Declaration contain Apple-confidential material. (*See*
11 Declaration of Bill Trac in Support of Samsung’s Administrative Motion to File Documents
12 Under Seal [Dkt. No. 667-1].) Specifically:

- 14 • Exhibit Q to the Baxter Declaration consists of excerpts from the deposition of
15 Apple inventor Steven Christensen. These excerpts discuss specific
16 confidential licensing discussions and terms. A proposed redacted version is
17 attached hereto as **Exhibit 1**.
- 18 • Exhibit W to the Baxter Declaration consists of an excerpt from Apple’s
19 Objections and Responses to Samsung’s First Set of Interrogatories. It
20 contains specific information on Apple’s confidential intellectual property
21 enforcement strategies and actions, identities of third parties with whom Apple
22 confidentially discussed patents, and confidential information regarding
23 Apple’s advertising expenditures. A proposed redacted version is attached
24 hereto as **Exhibit 2**.
- 25 • Samsung’s Motion to Supplement Invalidity Contentions contains discussion
26 of the aforementioned exhibits and should be sealed to the extent it refers to
27 them.

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3. Apple does not maintain a claim of confidentiality on Exhibits O or P to the Baxter Declaration.

4. It is Apple's policy not to disclose or describe its enforcement strategies, advertising expenditures, licensing discussions, and other business practices to third parties. The above information is confidential to Apple. It is indicative of the way that Apple manages its business affairs and enforces its rights. 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 penalty of perjury that the forgoing is true and correct and that this Declaration was executed this 16th day of March, 2012, at Cupertino, California.

/s/ Cyndi Wheeler
Cyndi Wheeler

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ATTESTATION OF E-FILED SIGNATURE

I, Jason R. Bartlett, 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 16, 2012

/s/ Jason R. Bartlett
Jason R. Bartlett