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

24 Defendants.
 25

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, 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. 819) (“Samsung’s MtS”). I have personal
4 knowledge of the matters set forth below. If called as a witness I could and would testify
5 competently as follows.

6 2. Samsung’s Reply in Support of its Motion for a Protective Order (“Samsung’s
7 Reply”), the Declaration of Rachel Herrick Kassabian in Support of Samsung’s Reply
8 (“Kassabian Declaration”), and Exhibits K, P, Q, R, and S to the Kassabian Declaration contain
9 Apple-confidential information. (*See* Samsung’s MtS at 1.) Specifically:

- 10 • Exhibit K to the Kassabian Declaration contains discussions of manufacturing
11 details, strategies for detecting and resolving problems, and confidential details
12 of design and development practices. A proposed redacted version is attached
13 as Exhibit 1.
- 14 • Exhibit P to the Kassabian Declaration contains discussions between a very
15 senior individual at Apple and a very senior individual at Samsung regarding
16 possible resolution of issues between the parties. The details of the
17 communication, the identities of those communicating, and the contact
18 information for those communicating are all confidential. This exhibit should
19 be sealed in its entirety.
- 20 • Exhibit Q to the Kassabian Declaration consists of deposition excerpts
21 detailing confidential licensing discussions, and should be sealed in its entirety.
- 22 • Exhibits R and S to the Kassabian Declaration consist of forwarded articles
23 and Internet links for discussion with commentary by the most senior Apple
24 executives. Exhibit R further includes design proposals and development
25 details. The identities and contact information of those communicating, as
26 well as the commentary they chose to include with the forwarded articles and
27 links, are confidential. Proposed redacted versions are attached as Exhibits 2
28 3, respectively.

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- Samsung’s Reply and the Kassabian Declaration should be sealed to the extent they refer to the sealed portions of the above exhibits.

3. Apple does not maintain a claim of confidentiality on Exhibit L to the Kassabian Declaration.

4. It is Apple’s policy not to disclose or describe its confidential design and product development information, licensing details, executive strategy, or other business practices to third parties. The information that should be sealed as described above is confidential to Apple. It is indicative of the way that Apple manages its business affairs, designs its products and conducts product development. 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 foregoing is true and correct and that this Declaration was executed this 27th day of March, 2012, at Washington, DC.

/s/ Cyndi Wheeler
Cyndi Wheeler

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ATTESTATION OF E-FILED SIGNATURE

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 27, 2012

/s/ Richard S.J. Hung
Richard S.J. Hung