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11 Attorneys for Plaintiff and  
 12 Counterclaim-Defendant APPLE INC.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN JOSE DIVISION

16 APPLE INC., a California corporation,  
 17  
 18 Plaintiff,  
 19 v.  
 20 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean corporation; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New  
 York corporation; and SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,  
 23 Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF CYNDI WHEELER IN  
 SUPPORT OF SAMSUNG'S  
 ADMINISTRATIVE MOTION TO FILE  
 DOCUMENTS UNDER SEAL RE  
 SAMSUNG'S MOTION TO EXCLUDE  
 OPINIONS OF CERTAIN APPLE EXPERTS**

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 Administrative Motion to File Under Seal (D.N. 927) pursuant to Local Rules 7-11  
4 and 79-5. I have personal knowledge of the matters set forth below. If called as a witness I could  
5 and would competently testify as follows.

6 2. Samsung’s Motion to Exclude Opinions of Certain Apple Experts and the  
7 Declaration of Joby Martin in Support of Samsung’s Motion to Exclude Opinions of Certain  
8 Apple Experts contain Apple-confidential information. (See Declaration of Joby Martin in  
9 Support of Samsung’s Administrative Motion to File Documents Under Seal [appended to D.N.  
10 927]). A description of these documents follows.

11 3. Exhibits 1-3, 5-7 and 10 of the Martin Declaration are the Expert Report of Terry  
12 Musika, the Supplemental Expert Report of Terry Musika, exhibits to those reports, and the  
13 transcript of the Musika deposition. Exhibits 11 and 12 to the Martin Declaration are the Expert  
14 Report of John Hauser and transcript of the Hauser deposition. These exhibits are damages-  
15 related expert reports and deposition transcript excerpts. The parties have stipulated that  
16 damages-related expert reports and deposition transcripts would be filed under seal in full and not  
17 on the public record. These documents contain confidential, proprietary market research and  
18 analysis, including information about the competitive landscape for mobile devices. This  
19 business information was created at a significant cost to Apple, and could be used by Apple's  
20 competitors to its disadvantage, particularly because it discusses Apple's direct competitors.  
21 These documents should be under seal in their entirety.

22 4. Exhibits 4 and 15 to the Martin Declaration are internal Apple marketing  
23 documents. They contain confidential, proprietary market research and analysis, including  
24 information about the competitive landscape for mobile devices. The documents should be under  
25 seal in their entirety.

26 5. Exhibit 8 to the Martin Declaration is Apple Inc.’s Corrected Amended Objections  
27 and Responses to Samsung Electronics Co., Ltd’s Interrogatory Nos. 4, 6, 7, 16, 17, and 18. It  
28 contains highly confidential and commercially sensitive business information, including

1 confidential information regarding licensing agreements and potential licensing agreements with  
2 business partners. A proposed redacted version is attached as **Exhibit 1**.

3 6. Exhibit 18 to the Martin Declaration is a chart containing descriptions of the  
4 technology claimed by the Apple patent in suit. Footnotes include links to videos from the  
5 Hauser report, which should remain under seal for the reasons above addressing damages-related  
6 material. A proposed redacted version is submitted as **Exhibit 2**.

7 7. Exhibits 20, 23, 26 and 27 to the Martin Declaration are the Expert Reports of  
8 Russell Winer and Sanjay Sood. These reports discuss trade secret information reflecting Apple's  
9 product design process and the inner workings of Apple's industrial design group. This  
10 information is highly sensitive and could be used by Apple's competitors to Apple's  
11 disadvantage. Proposed redacted versions of these exhibits are submitted as **Exhibits 3 and 4**,  
12 respectively.

13 8. Exhibit 32 to the Martin Declaration is the Expert Report of Richard L. Donaldson,  
14 Esq. This report contains Apple highly sensitive and confidential information. In particular, the  
15 report includes highly sensitive and confidential information about Apple's negotiations with  
16 Samsung and about Apple's current and past third-party patent licenses, which are subject to non-  
17 disclosure agreements and include third party highly sensitive and confidential information. This  
18 information is highly sensitive and could be used by Apple's competitors to Apple's  
19 disadvantage. A proposed redacted version is submitted as Exhibit 1 to the Declaration of Mark  
20 D. Selwyn in support of Samsung's Administrative Motion to File Under Seal Samsung's Motion  
21 to Exclude.

22 9. The portions of the confidential, unredacted versions of Samsung's Motion to  
23 Exclude Opinions of Certain Apple Experts and the Declaration of Joby Martin containing  
24 information drawn from the exhibits above should remain under seal for the same reasons  
25 articulated above.

26 10. The portions of the confidential, unredacted versions of Samsung's Motion to  
27 Exclude and the Martin Declaration containing the information drawn from the exhibits above  
28 should remain under seal for the same reasons articulated above.



