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9 **Filed**

10 FEB 8 2012

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

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14 APPLE INC., a California corporation,  
 15 Plaintiff,  
 16 v.  
 17 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean corporation; SAMSUNG  
 18 ELECTRONICS AMERICA, INC., a New  
 York corporation; and SAMSUNG  
 19 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,  
 20 Defendants.  
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28 **CV 12-00630 LHK**

**DECLARATION OF CYNDI WHEELER  
IN SUPPORT OF APPLE INC.'S  
ADMINISTRATIVE MOTION TO FILE  
DOCUMENTS UNDER SEAL**

**HRL**

DECLARATION OF CYNDI WHEELER IN  
SUPPORT OF APPLE INC.'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL

Gibson, Dunn &  
Crutcher LLP

1 I, Cyndi Wheeler, do hereby declare and state as follows:  
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3 1. I am an attorney at Apple Inc. ("Apple"). I submit this Declaration in support of  
4 Apple Inc.'s Administrative Motion to File Documents under Seal pursuant to Local Rules 7-11 and  
5 79-5. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness,  
6 could and would competently testify to them under oath.  
7

8 2. The requested relief is necessarily and narrowly tailored to protect the confidentiality  
9 of the information contained in the following documents and the exhibits attached therewith: (1) the  
10 Declaration of Arthur Rangel in support of Apple's Motion for a Preliminary Injunction and its  
11 attached confidential exhibits (the "Rangel Declaration"); (2) the Declaration of Christopher Velturo,  
12 Ph.D. in support of Apple's Motion for a Preliminary Injunction and its attached confidential exhibits  
13 (the "Velturo Declaration") ; and (3) Apple's Motion and Memorandum in Support of Apple's  
14 Motion for a Preliminary Injunction ("Apple Brief").  
15

16 3. Portions of the Rangel and the Velturo Declarations, as well as their attached exhibits,  
17 contain confidential, proprietary market research and analysis, including information pertaining to  
18 confidential Apple customer surveys and the competitive landscape for mobile devices. This  
19 information reflects Apple's confidential business and marketing strategy. This business information  
20 was created at a significant cost to Apple and could be used by Apple's competitors to its  
21 disadvantage, particularly because it discusses Apple's customers. It is Apple's practice and policy  
22 to maintain the confidentiality of this information; Apple does not disclose or comment on even  
23 speculation about its business practices.  
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DECLARATION OF CYNDI WHEELER IN  
SUPPORT OF APPLE INC.'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL

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4. Those portions of the Apple Brief containing information drawn from the Rangel and Velturo Declarations, and their exhibits, should remain under seal for the same reasons as articulated above.

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.

Dated: February 8, 2012

  
\_\_\_\_\_  
Cyndi Wheeler

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MOTION TO FILE UNDER SEAL