

# ALSTON & BIRD LLP

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June 25, 2010

*VIA E-MAIL*

Sonal N. Mehta  
Weil, Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, California 94065

Re: *Elan Microelectronics Corporation v. Apple, Inc.*, United States District  
Court for the Northern District of California, No. C-09-01531 RS

Dear Sonal:

I have your letter of June 22, 2010, claiming that Elan failed to plead its inequitable conduct counterclaims with the particularity required of Fed. R. Civ. P. 9(b). I have reviewed the allegations supporting that counterclaim and disagree. Elan has more than adequately pled the "who, what, when, where and how" of the relevant material misrepresentations and omissions, and has alleged facts that provide a reasonable basis to support its allegations of deceptive intent. As such, Elan sees no need to amend its June 8, 2010 Answer, Affirmative Defenses and Counterclaims in Response to Apple's Third Amended Complaint.

While we disagree with the substance of your letter, we remain available to discuss this matter further if you would like.

Sincerely,



Sean P. DeBruine

SPD:wjm

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