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 11 ELAN MICROELECTRONICS CORPORATION

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

16 ELAN MICROELECTRONICS
 17 CORPORATION,
 18 Plaintiff,
 19 v.
 20 APPLE, INC.,
 21 Defendant.

Case No. 09-cv-01531 RS

**[PROPOSED ORDER] GRANTING
 ELAN MICROELECTRONICS
 CORPORATION'S MOTION TO
 EXCLUDE DOCUMENTS NOT
 22 TIMELY PRODUCED OR, IN THE
 23 ALTERNATIVE, FOR COSTS**

DATE: August 17, 2010
 TIME: 10:00 a.m.
 JUDGE: Patricia V. Trumbull
 CTRM: 5, 4th Floor

22 AND RELATED COUNTERCLAIMS

24 Plaintiff and counterclaim defendant Elan Microelectronics Corporation's ("Elan") Motion
 25 to Exclude Documents Not Timely Produced or, in the Alternative, for Costs, having come before
 26 the Court, based on the parties' submissions and good cause appearing therefore, is hereby
 27 GRANTED.

28 IT IS ORDERED that the documents not timely produced by Apple are excluded from

[PROPOSED ORDER] GRANTING ELAN'S MOTION TO
 EXCLUDE DOCUMENTS NOT TIMELY PRODUCED OR, 1
 IN THE ALTERNATIVE, FOR COSTS

Case No. 09-cv-01531 RS

1 these proceedings.

2 IT IS FURTHER ORDERED that Defendant and Counterclaim Plaintiff Apple Inc., shall
3 pay Elan the sum of \$_____ to compensate it for the costs of the unilaterally cancelled
4 deposition of Hamlin and for the fees and costs associated with bringing this motion

5 **IT IS SO ORDERED.**

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Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE

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