

<i>Attorney or Party without Attorney:</i> MATTHEW D. POWERS (SBN 104795) WEIL GOTSHAL & MANGES LLP 201 REDWOOD SHORES PARKWAY REDWOOD SHORES, CA 94065 Telephone No: 650-802-3000				<i>For Court Use Only</i>	
Attorney for: Defendant				<i>Ref. No. or File No.:</i> ELAN VS. APPLE	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Jose Division					
Plaintiff: ELAN MICROELECTRONICS CORPORTION Defendant: APPLE INC.					
<b>PROOF OF SERVICE  SUBPOENA IN A CIVIL</b>		<i>Hearing Date:</i> Thu, May. 20, 2010	<i>Time:</i> 9:00AM	<i>Dept/Div:</i>	<i>Case Number:</i> C-09-10531 RS (PVT)

1. *At the time of service I was at least 18 years of age and not a party to this action.*
2. I served copies of the SUBPOENA IN A CIVIL CASE AMENDED STIPULATED PROTECTIVE ORDER REGARDING THE DISCLOSURE AND USE OF DISCOVERY MATERIALS.
3.
  - a. *Party served:* THE LAW OFFICES OF JAMES E. EAKIN
  - b. *Person served:* JAMES E. EAKIN
4. *Address where the party was served:* 855 OAK GROVE AVENUE  
SUITE 107  
MENLO PARK, CA 94025
5. *I served the party:*
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Wed., May. 12, 2010 (2) at: 4:11PM
  - b. *I received this subpoena for service on:* Thursday, May 06, 2010
6. *Witness fees were not demanded or paid.*

7. **Person Who Served Papers:**

a. ELLENOR RIOS



1138 Howard Street  
San Francisco, CA 94103  
Telephone (415) 626-3111  
Fax (415) 626-1331  
www.firstlegallnetwork.com

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. **The Fee for Service was:**

- e. I am: (3) registered California process server
  - (i) Independent Contractor
  - (ii) *Registration No.:* 984
  - (iii) *County:* Santa Clara

8. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

Date: Thu, May. 13, 2010

  
\_\_\_\_\_  
(ELLENOR RIOS)

<i>Attorney or Party without Attorney:</i> MATTHEW D. POWERS (SBN 104795) WEIL GOTSHAL & MANGES LLP 201 REDWOOD SHORES PARKWAY REDWOOD SHORES, CA 94065				<i>For Court Use Only</i>	
<i>Telephone No:</i> 650-802-3000				<i>Ref. No or File No.:</i> ELAN VS. APPLE	
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Northern District Of California, San Jose Division					
<i>Plaintiff:</i> ELAN MICROELECTRONICS CORPORTION <i>Defendant:</i> APPLE INC.					
<b>AFFIDAVIT OF REASONABLE DILIGENCE</b>		<i>Hearing Date:</i> Thu, May. 20, 2010	<i>Time:</i> 9:00am	<i>Dept/Div:</i>	<i>Case Number:</i> C-09-10531 RS (PVT)

1. I, ELLENOR RIOS, and any employee or independent contractors retained by FIRST LEGAL SUPPORT SERVICE are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant THE LAW OFFICES OF JAMES E. EAKIN as follows:

2. *Documents:* SUBPOENA IN A CIVIL CASE AMENDED STIPULATED PROTECTIVE ORDER REGARDING THE DISCLOSURE AND USE OF DISCOVERY MATERIALS..

Day	Date	Time	Location	Results
Fri	05/07/10	3:49pm	Business	PER SECRETARY, SUBJECT IS NOT IN BUT WILL BE IN ON TUESDAY 5/11/10 AT 3:00PM. Attempt made by: ELLENOR RIOS. Attempt at: 855 OAK GROVE AVENUE SUITE 107 MENLO PARK CA. 94025.
Tue	05/11/10	3:02pm	Business	SUBJECT NOT IN. Attempt made by: ELLENOR RIOS. Attempt at: 855 OAK GROVE AVENUE SUITE 107 MENLO PARK CA. 94025.
Wed	05/12/10	11:35am	Business	PER SECRETARY, SUBJECT IS NOT IN YET BUT HE KNOW ABOUT THE SUBPOENA. Attempt made by: ELLENOR RIOS. Attempt at: 855 OAK GROVE AVENUE SUITE 107 MENLO PARK CA. 94025.
Wed	05/12/10	4:11pm	Business	Personal Service on: THE LAW OFFICES OF JAMES E. EAKIN Business - 855 OAK GROVE AVENUE SUITE 107 MENLO PARK, CA. 94025 by Serving: JAMES E. EAKIN. Served by: ELLENOR RIOS

3. *Person Executing*  
 a. ELLENOR RIOS  
 b. **FIRST LEGAL SUPPORT SERVICE**  
 1138 HOWARD ST.  
 SAN FRANCISCO, CA 94103  
 c. (415)626-3111

Recoverable Costs Per CCP 1033.5(a)(4)(B)  
**d.. The Fee for service was:**  
 e. *I am:* (3) registered California process server  
 (i) Independent Contractor  
 (ii) *Registration No.:* 984  
 (iii) *County:* Santa Clara

4. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

† *Date:* Thu, May. 13, 2010

**AFFIDAVIT OF REASONABLE DILIGENCE**

(ELLENOR RIOS) 6573523.weigo.288480