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10 Attorneys for Defendant and Counterclaim Plaintiff
 11 Apple Inc.

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

15 ELAN MICROELECTRONICS CORPORATION,
 16
 17 Plaintiff and Counterclaim Defendant,
 18 v.
 19 APPLE INC.,
 20 Defendant and Counterclaim Plaintiff.

Case No. C-09-01531 RS (PVT)

DECLARATION OF JAY HAMLIN IN SUPPORT OF APPLE'S OPPOSITION TO ELAN'S MOTION TO EXCLUDE DOCUMENTS OR, IN THE ALTERNATIVE, FOR COSTS

Hon. Patricia V. Trumbull

Date: August 24, 2010
 Time: 10:00 a.m.
 Courtroom 5, 4th Floor

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1 I, Jay Hamlin, declare:

2 I am an employee with Apple Inc. in Cupertino, California. I submit this
3 declaration based on personal knowledge and following a reasonable investigation. If called upon
4 as a witness, I could competently testify to the truth of each statement herein.

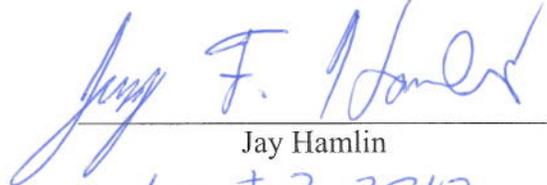
5 1. On February 19, 2010, I met in-person with outside counsel for Apple and
6 an Apple in-house legal specialist to discuss my possible knowledge regarding this litigation and
7 another litigation involving Apple products. The topic of documents in my possession, custody
8 and control was raised in that meeting. At that time, I did not believe I had many, if any, such
9 documents. Because I had worked on the inventions that led to the '218 patent as a consultant
10 (and later worked on the patent application as an employee) of Apple but had subsequently left
11 Apple for six years to form my own company, I believed I would not have had relevant files when
12 I returned to Apple years later and thus would not have documents relevant to the '218 patent.
13 However, I worked to identify and provide any documents that I recalled that might be relevant to
14 either litigation. I did not recall having any relevant documents in my personal possession,
15 custody or control at the time.

16 2. On June 14, 2010, I met with outside and in-house counsel again to prepare
17 for my deposition. In that meeting, the topic of documents in my possession, custody or control
18 was raised again. In the course of that meeting or on my way home that night, I recalled that
19 there was one location my barn where I might have personal records that I could check to see
20 if I had documents from the 1993-1994 time period when I was a consultant to Apple. I had not
21 looked at any materials in that location in many (more than a dozen) years and did not expect to
22 find relevant documents. Nonetheless, that night, I searched my personal archives stored in my
23 barn, and realized that I did have possession of documents relevant to the case. In addition to a
24 folder of hardcopy documents, I also found CD-ROMs and hard disk drives with archived
25 computer files related to the touchpad work I did for Apple. I provided a number of those files to
26 counsel the next morning and the hard disk drives the following day.

27 3. On June 15, 2010, I arrived at the Palo Alto offices of Elan's attorneys with
28 Apple's counsel. I was prepared to sit for deposition that day.

1 I declare under the penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 Executed on August 3, 2010, at Cupertino, California.

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5 _____
6 Jay Hamlin
7 August 3, 2010

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