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 11 Apple Inc.

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

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

Case No. C-09-01531 RS (PVT)  
**APPLE INC.'S SECOND AMENDED NOTICE OF MOTION TO COMPEL JAMES EAKIN TO PRODUCE DOCUMENTS PURSUANT TO SUBPOENA DUCES TECUM**  
 JURY TRIAL DEMANDED  
 DATE: October 5, 2010  
 TIME: 10:00 a.m.  
 JUDGE: Patricia V. Trumbull  
 CTRM: 5, 4th Floor

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**TO JAMES A. EAKIN, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that defendant Apple, Inc.’s Motion To Compel James Eakin To Produce Documents Pursuant to Subpoena Duces Tecum (D.I. 142) originally noticed for August 24, 2010 will now be heard on Tuesday, **October 5, 2010**, or as soon as the matter may be heard. Apple is renoticing its motion to accommodate Mr. Eakin’s request for an additional extension of time, and to give Mr. Eakin additional time to perform a reasonable search for documents that are responsive to Apple’s subpoena. Apple’s motion is based upon the points and authorities in support of the motion set forth in its original filing as well as the declaration and exhibits filed concurrently therewith.

Dated: August 19, 2010

WEIL, GOTSHAL & MANGES LLP

By:           /s/ Derek C. Walter            
Derek C. Walter  
Attorney for Apple Inc.

