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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

<u>ELAN MICROELECTRONICS CORPORATION,</u>	]	
	]	Case No. c-09-01531 RS (PVT)
Plaintiff and Counterclaim Defendant,	]	
	]	
vs.	]	
	]	REQUEST FOR JUDICIAL
APPLE INC.,	]	ASSISTANCE
	]	(LETTERS ROGATORY)
Defendant and Counterclaim Plaintiff.	]	
<u></u>	]	

**REQUEST FOR JUDICIAL ASSISTANCE**

THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION, PRESENTS ITS COMPLIMENTS TO THE APPROPRIATE JUDICIAL AUTHORITY OF FRANCE, AND REQUESTS INTERNATIONAL JUDICIAL ASSISTANCE TO EFFECT SERVICE OF PROCESS TO BE USED IN A CIVIL PROCEEDING BEFORE THIS COURT IN THE ABOVE CAPTIONED MATTER.

THIS COURT REQUESTS THE JUDICIAL ASSISTANCE DESCRIBED HEREIN AS NECESSARY IN THE INTERESTS OF JUSTICE AND A TIMELY RESOLUTION OF THIS MATTER. THE ASSISTANCE REQUESTED IS THAT THE APPROPRIATE JUDICIAL AUTHORITY OF FRANCE EFFECT SERVICE OF PROCESS UPON THE FOLLOWING NAMED INDIVIDUAL:

**BERNARD KASSER**

LOCATED AT:           **STMicroelectronics Rousset SAS**  
                          **190 Avenue Celestin Coq**  
                          **Zone Industrielle**  
                          **13106 Rousset Cedex, France**

**FACTS**

THIS CASE RELATES TO A CIVIL PROCEEDING IN THE COURT OF JURISDICTION THAT RESULTED IN FINANCIAL DAMAGES. THE COURT OF JURISDICTION WILL DETERMINE THE FACTS AND RENDER A VERDICT AFTER TRIAL OR HEARING. THIS SUBPOENA IN A CIVIL CASE IS TO TAKE THE DEPOSITION OF A NON-DEFENDANT PARTY.

**REQUEST**

THAT THE JUDICIAL AUTHORITY OF FRANCE ASSIST WITH INTERNATIONAL JUDICIAL ASSISTANCE TO EFFECT SERVICE OF PROCESS UPON **BERNARD KASSER** TO BE USED IN A DEPOSITION WHICH WILL BE USED IN A CIVIL PROCEEDING BEFORE THIS COURT.

**SUMMARY OF PROCEEDINGS**

- (1) The evidence to be obtained:  
Information related to the conception, reduction to practice, and prosecution of U.S. Patent No. 5,825,352.
- (2) The names and addresses of the persons to be examined:  
Bernard Kasser  
c/o STMicroelectronics Rousset SAS  
190 Avenue Celestin Coq  
Zone Industrielle  
13106 Rousset Cedex, France

- (3) The questions to be put to the witnesses, or a statement of the subject matter on which they are to be examined:

Mr. Kasser will be examined on subject matter related to the conception, reduction to practice, and prosecution of U.S. Patent No. 5,825,352.

- (4) The documents or other property to be inspected:

See Exhibit A to the subpoena.

- (5) Whether the evidence is to be given under oath or affirmation, and any specific form of oath that must be used:

Yes, the evidence is to be given under oath or affirmation.  
No specific form of oath must be used.

- (6) Whether any special procedure or method should be followed in taking the evidence:

No special procedure is requested.

**TIME FOR PARTY TO RESPOND**

BERNARD KASSER IS COMMANDED TO APPEAR AT THE PLACE NAMED ON THE SUBPOENA IN A CIVIL CASE IN MARSEILLE, FOR THE TAKING OF HIS DEPOSITION ON THE DATE STATED IN THE SUBPOENA IN A CIVIL CASE, PURSUANT TO RULE 30(b)(1) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

**RECIPROCITY**

THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION, EXPRESSES A WILLINGNESS TO PROVIDE SIMILAR ASSISTANCE TO THE JUDICIAL AUTHORITIES OF FRANCE.

**REIMBURSEMENT FOR COSTS**

THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION, THROUGH THE LAW FIRM OF WEIL,

GOTSHAL & MANGES LLP, EXPRESSES A WILLINGNESS TO REIMBURSE THE JUDICIAL AUTHORITIES OF FRANCE FOR COSTS INCURRED IN EXECUTING THE REQUESTING COURT'S LETTER ROGATORY.

### EXEMPLIFICATION CERTIFICATES

I, \_\_\_\_\_, Clerk of THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION, and keeper of the records and seal of the Court certify that the documents attached are true copies of:

1. Subpoena in a Civil Case with Attachment A

Now remaining among the records of the Court. In testimony of this statement, I sign my name, and affix the seal of this Court at San Jose, CA, USA this \_\_\_\_\_ day of September, 2010.

\_\_\_\_\_  
Clerk of THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

Seal of the Court

I, \_\_\_\_\_, Judge of THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION, certify that \_\_\_\_\_ (Clerk's Name) is, and was at the date of the above certificate, Clerk of THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION, duly appointed and sworn, and keeper of the records and seal of the Court, and that the above certificate of the Clerk and the Clerk's attestation is in due form of law.

\_\_\_\_\_  
Judge, of THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

**EXEMPLIFICATION CERTIFICATES**  
(CONTINUED)

I, \_\_\_\_\_, Clerk of THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION, and the keeper of the records and seal of the Court certify that the Honorable Judge \_\_\_\_\_ is and was on the date of the above certificate a judge of the Court, duly appointed and sworn, and that I am well acquainted with his or her handwriting and official signature and know and certify the signature written above to be that of the judge.

In testimony of this statement, I sign my name, and affix the seal of the Court at San Jose, CA, USA, this \_\_\_\_\_ day of September, 2010.

\_\_\_\_\_  
Clerk of THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

Seal of the Court