

From: Mehta, Sonal
Sent: Monday, August 23, 2010 9:01 AM
To: DeBruine, Sean; Elan Apple Team
Cc: Apple Elan WGM Service
Subject: RE: Apple's Supplemental Invalidity Contentions

Sean,

I write to follow-up on our emails regarding supplemental invalidity contentions. Although we trust there will not be any issue with respect to the timeliness of Apple's supplemental contentions provided in June, we do not want to delay filing a motion for leave to formally amend our contentions pending a meet and confer on whatever supplementation Elan plans to propose. Accordingly, we will plan to file a motion for leave to amend this week and note that Elan does not oppose. We can discuss any proposed supplementation from Elan at the appropriate time.

Best,
Sonal

From: DeBruine, Sean [mailto:Sean.DeBruine@alston.com]
Sent: Friday, June 25, 2010 1:53 PM
To: Mehta, Sonal; Elan Apple Team
Cc: Apple Elan WGM Service
Subject: RE: Apple's Supplemental Invalidity Contentions

Sonal,

We are reviewing the proposed amended invalidity contentions, but do not expect to object. Elan is also considering other art revealed as a result of Elan's continuing investigation and discovery, and intends to further supplement its contentions, in addition to our prior proposal. I expect to have the proposed supplemental disclosures for your review next week, at which point we can discuss a joint motion.

Have a good weekend.

Sean

From: Mehta, Sonal [mailto:Sonal.Mehta@weil.com]
Sent: Tuesday, June 22, 2010 8:08 PM
To: Elan Apple Team
Cc: Apple Elan WGM Service
Subject: Apple's Supplemental Invalidity Contentions

Counsel,

Based on our ongoing investigation and discovery obtained in this matter, Apple has identified several additional prior art references that we believe invalidate Elan's '352 and '353 patent. We have prepared supplemental invalidity contentions to include this new art and to further clarify Apple's obviousness

and indefiniteness contentions. Accordingly, we intend to seek the Court's leave to amend our contentions as set forth in the attached documents. Please let us know if Elan will consent to this amendment. We understand from Elan's prior correspondence that it may also seek to amend its contentions to add the Boie '388 patent, and are happy to discuss a joint motion for both parties to amend their contentions accordingly.

Regards,
Sonal N. Mehta
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