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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 APPLICATION  
 REQUESTING COMPLETION OF  
 HAGUE CONVENTION DOCUMENTS  
 FOR THE DEPOSITION OF  
 BERNARD KASSER**  
 JURY TRIAL DEMANDED  
 Hon. Richard Seeborg

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1 Apple Inc. (“Apple”) respectfully requests that the Court grant this application to  
2 complete documents necessary for the deposition of Mr. Bernard Kasser pursuant to the Hague  
3 Convention on the Taking of Evidence Abroad in Civil and Commercial Matters. Good cause  
4 exists for this request.

5 Elan Microelectronics Corp. has filed the above-captioned lawsuit accusing Apple  
6 of infringing U.S. Pat. No. 5,825,352 (“the ’352 patent”). Mr. Kasser is listed on the face of the  
7 ’352 patent as a named inventor and may have information relevant to this suit. Because Mr.  
8 Kasser currently resides in France, Apple desires to depose Mr. Kasser pursuant to the Hague  
9 Convention. The Hague Convention authorizes such a deposition provided that certain  
10 formalities are observed in accordance with the provisions of the Convention. *See, e.g.*, Exhibit 1  
11 [“Taking Evidence in France in Civil and Commercial Matters”] (provided to Apple on Aug. 26,  
12 2010 by the U.S. Consulate in Marseilles)). Accordingly, Apple is submitting concurrently with  
13 this application a “Request for Judicial Assistance (Letters Rogatory)” and “Request for Service  
14 Abroad of Judicial or Extrajudicial Documents.” Apple respectfully requests that the Court  
15 complete these documents so that Apple may proceed with requesting Mr. Kasser’s deposition  
16 under the Convention.

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18  
19 Dated: September 20, 2010

WEIL, GOTSHAL & MANGES LLP

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21 By:                   /s/ Nathan Greenblatt                    
22 Nathan Greenblatt  
23 Attorneys for Apple Inc.  
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1 **CERTIFICATE OF SERVICE**

2 I declare that I am employed with the law firm of Weil, Gotshal & Manges LLP,  
3 whose address is 201 Redwood Shores Parkway, Redwood Shores, California 94065-1175. I am  
4 not a party to the within cause, and I am over the age of eighteen years. I further declare that on  
5 September 20, 2010, I served a copy of:

6  
7 **APPLE INC.'S APPLICATION REQUESTING FOR SERVICE OF PROCESS**  
8 **OUT-OF STATE**

9 **BY U.S. MAIL** by placing a true copy thereof enclosed in a sealed  
10 envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing in  
11 accordance with the firm's ordinary business practices. I am readily familiar with the practice for  
12 collection and processing of mail, and know that in the ordinary course of business practice that  
13 the document(s) described above will be deposited with the U.S. Postal Service on the same date  
14 as sworn to below.

15  **BY ELECTRONIC SERVICE** by electronically mailing a true and  
16 correct copy through the electronic mail system to the email address(es) set forth in the service  
17 list below.

18 **BY OVERNIGHT DELIVERY** by placing a true copy thereof enclosed  
19 in a sealed envelope with overnight delivery fees provided for, addressed as follows, for  
20 collection by Federal Express in accordance with ordinary business practices. I am readily  
21 familiar with the practice for collection and processing of correspondence for overnight delivery  
22 and know that in the ordinary course of business practice the document(s) described above will be  
23 deposited by an employee or agent in a box or other facility regularly maintained by Federal  
24 Express for collection on the same day that the document(s) are deposited.

25  
26 Sean DeBruine  
27 Alston + Bird LLP  
28 Two Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306  
Sean.Debruine@Alston.com

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

31 Executed on September 20, 2010, at Redwood Shores, California.

32 /s/ Nathan Greenblatt  
33 Nathan Greenblatt