AO 440 (Rev. 01/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Northern District of California

Elan Microelectronics Corporation   )
           Plaintiff   E-filing)
             v.   )   Civil Action No.
Apple, Inc.   )
          Defendant   )

SUMMONS IN A CIVIL ACTION **C09 01531 ADR RS**

To: *(Defendant's name and address)*

     Apple, Inc.
     1 Infinite Loop
     Cupertino, CA 95014

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

     Sean P. DeBruine
     Alston + Bird
     3000 El Camino Real, Two Palo Alto Square, Suite 400
     Palo Alto, CA 94306

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT
Richard W. Wieking

Date: APR 0 7 2009

                                     Tiffany Salinas-Harwell
                                     Signature of Clerk of Court or Deputy Clerk

Civil Action No.

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):* _____

_____

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00   .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc: