

EXHIBIT A

1 Yitai Hu (SBN 248085) (yitai.hu@alston.com)
Sean P. DeBruine (SBN 168071) (sean.debruine@alston.com)
2 Elizabeth H. Rader (SBN 184963) (elizabeth.rader@alston.com)
Jane Han Bu (SBN 240081) (jane.bu@alston.com)
3 Tsai-Yu (April) Chen (SBN 264523) (april.chen@alston.com)
Jennifer Liu (SBN 268990) (celine.liu@alston.com)

4 **ALSTON & BIRD LLP**
275 Middlefield Road, Suite 150
5 Menlo Park, California 94025
Telephone: 650-838-2000
6 Facsimile: 650-838-2001

7 Attorneys for Plaintiff and Counterdefendant
ELAN MICROELECTRONICS CORPORATION

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 ELAN MICROELECTRONICS
13 CORPORATION,

14 Plaintiff and Counterdefendant,

15 v.

16 APPLE, INC.,

17 Defendant and Counterplaintiff.

Case No. 09-cv-01531 RS

**PLAINTIFF ELAN
MICROELECTRONICS
CORPORATION'S SECOND SET OF
INTERROGATORIES TO DEFENDANT
APPLE INC. [Nos. 13-15]**

18
19 AND RELATED COUNTERCLAIMS

20 **PROPOUNDING PARTY: Plaintiff ELAN MICROELECTRONICS CORPORATION**

21 **RESPONDING PARTY: Defendant APPLE INC.**

22 **SET NUMBER: TWO**

23 //

1 **TO DEFENDANT APPLE, INC. AND ITS ATTORNEYS OF RECORD:**

2 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff Elan
3 Microelectronics Corporation (“Elan”) by and through its attorneys, requests that Defendant
4 Apple, Inc. (“Apple”) answer the following interrogatories under oath within thirty (30) days of
5 service.

6 **DEFINITIONS**

7 A. The term “Plaintiff” or “Elan” refers to Elan Microelectronics Corporation and its
8 subsidiaries and divisions.

9 B. The term “Defendant” or “Apple” shall mean Defendant Apple, Inc., and its
10 subsidiaries and divisions, all predecessors, successors and assigns of the foregoing, and all
11 officers, directors, employees, managing agents, consultants, attorneys and others under the
12 control of any of the foregoing entities.

13 C. The term “Elan Patents,” “Elan’s Patents” or “Plaintiff’s Patents” refers U.S. Patent
14 No. 5,825,352 (“the ‘352 patent”) entitled “Multiple Fingers Contact Sensing Method For
15 Emulating Mouse Buttons And Mouse Operations On A Touch Sensor Pad,” and U.S. Patent No.
16 7,274,353 (“the ‘353 patent”) entitled “Capacitive Touchpad Integrated With Key and
17 Handwriting Functions.”

18 D. The term “Apple Patents,” “Apple’s Patents” or “Defendant’s Patents” refers to
19 U.S. Patent No. 5,764,218 (“the ‘218 patent”) entitled “Method And Apparatus For Contacting A
20 Touch-Sensitive Cursor-Controlling Input Device To Generate Button Values” and U.S. Patent
21 No. 7,495,659 (“the ‘659 patent”) entitled “Touch Pad For Handheld Device.”

22 E. “And” and “or” shall be construed conjunctively and disjunctively so as to acquire
23 the broadest possible meaning.

24 F. The terms “any,” “all” or “each” shall be construed as “any, all and each.”

25 G. The singular and masculine form of a noun or pronoun shall embrace, and shall be
26 read and applied as, the plural or the feminine or neuter, as the particular context makes
27 appropriate or permits to obtain the broadest possible meaning.

28 H. The use of the singular form of any word shall include the plural and vice versa.

1 I. The term “referring,” “relating” or “related” shall mean, without limitation,
2 constituting, describing, discussing, embodying, reflecting, or in any way relevant to the particular
3 subject matter identified.

4 J. The term “concerning” shall mean comprising, constituting, containing, describing,
5 discussing, embodying, evidencing, evincing, identifying, indicating, involving, referring to,
6 reflecting, relating to, supporting, or otherwise in any way pertaining directly or indirectly to.

7 K. The term “Patent and Trademark Office” or “USPTO” shall mean, the United
8 States Patent and Trademark Office.

9 L. The term “prosecution,” in relation to a patent or patent application, means all
10 proceedings before, and communications with, a patent office relating to a patent, patent
11 application, continuation, continuation-in-part, and/or divisional, including, but not limited to,
12 interference, reissue, reexamination, opposition, and cancellation proceedings.

13 M. The term “prior art” shall mean all patents, patent applications, publications, other
14 references, disclosures, sales, and any other acts or occurrences included within the broadest
15 meaning of 35 U.S.C. § 102 and 35 U.S.C. § 103.

16 N. The term “identify,” when used with respect to any natural person, means that the
17 following information shall be provided: the person’s full name; present or last known home
18 address and telephone number; present or last known business address and telephone number; last
19 known title or occupation; and present or last known employer.

20 O. The term “identify,” when used with respect to any legal entity, such as a
21 corporation, company, or person other than a natural person, means that the following information
22 shall be provided: the entity’s name; the place of incorporation or organization; the principal place
23 of business; and the nature of the business conducted by that legal entity.

24 P. The term “identify,” when used with respect to any oral statement means: state the
25 name of the speaker, the date of the statement; the place at which the statement was made; the
26 person or persons to whom the statement was addressed; if practicable, and otherwise a general
27 description of the persons to whom the statement was addressed; the subject matter of the
28 statement; and if the statement was memorialized in writing or mechanical or other recording,

1 state the date and present location of said writing or mechanical or other recording.

2 Q. The term “identify,” when used with respect to any written document or statement,
3 means: state the name of the author; the type of document or writing; the date of the document; the
4 addressee; or recipient, if practicable, and otherwise a general description of the persons to whom
5 the writing was distributed; the subject matter; and the present location and custodian of the
6 original document or thing and any copies thereof. In lieu of such identification, you may attach a
7 copy of the writing containing said written statement and refer thereto in your answer.

8 R. The term “communication” shall mean the transmittal of information in the form of
9 facts, ideas, inquiries or otherwise, orally, in writing, or in any other form.

10 S. The term “document” shall have the broadest meaning permitted by Rule 34(a) of
11 the Federal Rules of Civil Procedure, and shall include, without limitation, any tangible
12 recordation of information by any means and in any medium, including, but not limited to,
13 information that is handwritten, typewritten, printed, recorded, filmed, stored on computer disks or
14 electronic databases, e-mail and/or any other tangible recordation discoverable under the Federal
15 Rules of Civil Procedure that are in Apple’s possession, custody, or control or to which Apple
16 otherwise has access. The term “document” further includes, without limitation, the original, any
17 draft, and any non-identical version or copy. Documents having self-stick removable notes shall
18 be produced in a manner so that all material on both the note and the document is legible.

19 T. The term “person” shall mean any natural person or any business, firm, association,
20 organization, joint venture, partnership, corporation, any legal or governmental entity, or any other
21 organization or entity.

22 U. The terms “related patent” and “related patent application” shall mean any parent or
23 parent application, any continuation, continuation-in-part, divisional, reissue, or reexamination of
24 the identified patent, and any foreign counterpart patent or foreign counterpart patent application
25 that discloses or claims all or part of the subject matter disclosed or claimed in the identified
26 patent.

27 V. The term “Elan Product(s),” “Elan’s Product(s)” or “Plaintiff’s Product(s)” shall
28 mean any touch-sensitive input device, or product including such a device made by or sold by

1 Elan, and any parts, supplies, service or maintenance for such product.

2 W. The term “Apple Product(s),” “Apple’s Product(s)” or “Defendant’s Product(s)”
3 shall mean any product made by or on behalf of Apple and/or sold by or on behalf of Apple that
4 consists of or includes a touch-sensitive input device capable of detecting the simultaneous
5 presence of two or more objects, switching between handwriting and key entry modes, or that
6 embodies any claim of the Apple Patents, including any parts, supplies, service or maintenance for
7 such product.

8 Y. As used herein, the term “related fields” shall mean the fields of technology
9 involved in or pertaining to a touch pad or pointer device.

10 **INSTRUCTIONS**

11 A. Where knowledge, information, or documents in your possession, custody, or
12 control is requested or inquired of, the request or inquiry shall include knowledge, information, or
13 documents in the possession, custody, or control of each of your agents, employees,
14 representatives, Defendant’s attorneys. Whenever an answer to these interrogatories contains
15 information that is not based upon your personal knowledge, state the source and the nature of
16 such information.

17 B. Where an objection is made to any interrogatory or sub-part thereof, the objection
18 shall state with specificity all grounds for the objection.

19 C. If you contend that the answer to any interrogatory is privileged in whole or in part,
20 state all facts supporting such privilege, and identify each person having knowledge of the factual
21 basis on which the privilege is asserted.

22 D. With respect to each of the following requests, unless otherwise stated in a
23 particular request, the information sought is that which is current as of the date of Apple’s
24 response thereto.

25 E. Consistent with Rule 26(e) of the Federal Rules of Civil Procedure, these
26 interrogatories are continuing in nature. Your response to these interrogatories must be
27 supplemented as you obtain additional information affecting any of your responses. With respect
28 to any of the following interrogatories as to which Apple, after responding, discovers or acquires

1 additional responsive information, Elan requests that Apple produce such additional information
2 in accordance with Fed. R. Civ. P. 26(e).

3 **INTERROGATORIES**

4 **INTERROGATORY NO. 13:**

5 Identify by each unique product name, product code, product model and/or any other
6 product nomenclatures each Apple Product designed, made, used, sold, offered for sale, imported,
7 or distributed by or for Apple.

8 **INTERROGATORY NO. 14:**

9 For each product model identified in response to Elan's Interrogatory No. 13, state the date
10 of its first sale or offer for sale and, if applicable, the date of its last sale by Apple.

11 **INTERROGATORY NO. 15:**

12 For each product model identified in response to Elan's Interrogatory No. 13, identify by
13 marketing name, project name, internal name, part number, code name or number and all other
14 unique designations (a) the chipset(s) incorporated in the product's touchpad and/or touchscreen,
15 (b) the firmware incorporated in each chipset, and (c) any software running on the host to detect
16 and process events on the touchpad and/or touchscreen.

17
18 DATED: December 13, 2010

ALSTON & BIRD LLP

19
20
21 By: _____



Sean P. DeBruine
Attorneys for Plaintiff
ELAN MICROELECTRONICS CORPORATION

1 **CERTIFICATE OF SERVICE**

2 I am employed in the County of Santa Clara, State of California. I am over the age of 18 and
3 not a party to the within action; my business address is Alston & Bird LLP, 3000 El Camino Real,
Two Palo Alto Square, Suite 400, Palo Alto, CA 94306. On December 13, 2010, I served the
document(s) described as:

4 **PLAINTIFF ELAN MICROELECTRONICS CORPORATION'S SECOND SET OF
5 INTERROGATORIES TO DEFENDANT APPLE INC. [Nos. 13-15]**

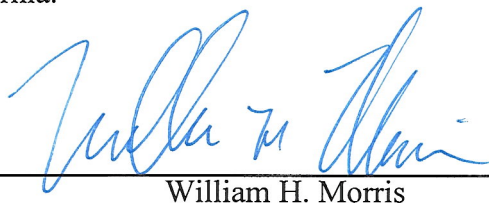
6 by the indicated means to the persons at the addresses listed:

- | | | |
|----|------------------------------------------------|------------------------------------------------|
| 7 | Matthew D. Powers (matthew.powers@weil.com) | <input type="checkbox"/> Via Overnight Courier |
| 8 | Jared Bobrow (jared.bobrow@weil.com) | <input type="checkbox"/> Via Hand Delivery |
| 9 | Douglas E. Lumish (doug.lumish@weil.com) | <input type="checkbox"/> Via Facsimile |
| 10 | Sonal N. Mehta (sonal.mehta@weil.com) | <input type="checkbox"/> Via U.S. Mail |
| 11 | Derek C. Walter (derek.walter@weil.com) | <input checked="" type="checkbox"/> Via E-mail |
| 12 | Nathan Greenblatt (nathan.greenblatt@weil.com) | |

13 **WEIL, GOTSHAL & MANGES LLP**

14 201 Redwood Shores Parkway
15 Redwood Shores, California 94065

16 I am readily familiar with our firm's practice for collection and processing of
17 correspondence via electronic mail and overnight courier. I caused the document(s) to be sent to
18 the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a
19 reasonable time after the transmission, any electronic message or other indication that the
20 transmission was unsuccessful. I declare under penalty of perjury under the laws of the United
21 States that the foregoing is true and correct; that I am employed in the office of a member of the
22 bar of this Court at whose direction the service was made; and that this declaration was executed
23 on December 13, 2010, at Menlo Park, California.

24 
25
26 _____
27 William H. Morris
28