

EXHIBIT 36

From: Bu, Jane [mailto:Jane.Bu@alston.com]
Sent: Tuesday, May 31, 2011 1:28 PM
To: Greenblatt, Nathan
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: RE: Elan Privilege Logs & Summaries of Apple Patents

Nathan:

Your email of last Wednesday was the first time Apple has raised the issues of Nick Lin's documents or the communications amongst Elan in-house legal personnel. We immediately responded that we would look into these issues and provide a response promptly. One email, with an arbitrary deadline over the long holiday weekend, is unreasonable and does not meet the requirement for "direct dialogue and discussion" under the Local Rules. It is far from an "extensive" meet and confer as you characterize it below. In any event, a motion to compel will be premature, at a minimum, and without merit particularly as we have already stated on May 27th, that we are currently looking into the issues you have raised and will get back to you shortly. If you have any specific authority for your claim that these documents are not privileged and/or work product, please provide it to us.

Also contrary to your assertion, Elan has repeatedly revised its privilege logs after our previous communications to narrowly apply its privilege assertions. As adequately described in the current log entries, the communications between and the work product generated by Elan's in house legal department was under the direction of counsel and/or for the purpose of litigation. However, to the extent you have additional concerns, we are willing to discuss them. To that end, we will look into the specific documents you have referenced below and get back to you as soon as we complete our review. We will also re-review our logs to determine whether any of the redactions or privilege assertions can be withdrawn based on any intervening events such as the rulings in the ITC case.

Best,

Jane

From: Greenblatt, Nathan [mailto:nathan.greenblatt@weil.com]
Sent: Saturday, May 28, 2011 12:40 PM
To: Bu, Jane
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: RE: Elan Privilege Logs & Summaries of Apple Patents

Jane,

We intend to file a motion to compel on Tuesday that relates to, inter alia, Elan's improper privilege assertions. Please let us know by noon on Tuesday if you have anything further to add to Elan's privilege logs on these issues or on our prior, extensive meet and confer on Elan's privilege assertions.

Thanks,



Nathan A. Greenblatt

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From: Bu, Jane [mailto:Jane.Bu@alston.com]
Sent: Friday, May 27, 2011 2:01 PM
To: Greenblatt, Nathan
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: RE: Elan Privilege Logs & Summaries of Apple Patents

Dear Nathan:

We are looking into the issues you raised below and will provide a response to you later next week.

Best,

Jane

From: Greenblatt, Nathan [mailto:nathan.greenblatt@weil.com]
Sent: Wednesday, May 25, 2011 7:56 PM
To: Bu, Jane
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: Elan Privilege Logs & Summaries of Apple Patents

Dear Jane,

I write regarding two issues related to Elan's privilege logs.

First, please confirm whether Elan has produced the summaries of Elan patents described in Elan's reponse to Apple's Interrogatory No. 11, as well as all related documents regarding Elan's knowledge of Apple's asserted 218 and 659 patents. In reviewing Elan's privilege logs, I have been unable to locate any documents authored by Nick Lin dated September 24, 2008, or February 26, 2009. At the same time, Elan's interrogatory response does not identify Mr. Lin's patent summaries by Bates numbers. If Elan is withholding these documents on the basis of privilege or work product claims, please explain in full Elan's basis for doing so.

Second, please clarify what legal standard Elan is applying with respect to Elan's assertion of attorney-client privilege and work product protection for documents authored by members of Elan's in-house legal/IPR department. As Mr. Wayne Chang has testified, there are no attorneys in Elan's legal/IPR department. Of the 1273 entries on Elan's privilege logs, only entry nos. 212-238, 240-247, 249-259, 261-262, 267, 298, 314-322, 341-342, 344, 347, 431, 433, 464, 536, 599-600 on Elan's Revised July 1, 2010 Privilege Log, entry nos. 43-44, 109, 161, 164, 184, and 248 on Elan's Revised September 1, 2010 Privilege Log, and entry nos. 3, 13, 21, 95-96, 107, 109, 160, 162-163, 176, 183, 209, 218, 220, 230-272 on Elan's October 25, 2010 Privilege Log indicate any involvement of an attorney. For the entries not indicating any

involvement of an attorney, we believe there is insufficient information to justify application of either the attorney-client privilege or work product doctrine.

Please let us know by Friday Elan's position on these issues.

Best regards,



Nathan A. Greenblatt

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